













## CONTENTS OF No. CXCIV.

	Page
ART. I. — Nouvelles Causes Célèbres. Recueillis et mis en ordre par M. le Comte de Marcourt. Paris: 1846,	281
II. — 1. Draft of a Bill to promote Education in the Muni- cipal Boroughs of Manchester and Salford.	
2. The Scheme of Secular Education proposed by the National Public Schools' Association, compared with the Manchester and Salford Borough Bill.	
3. The Educational Almanac for 1852.	
4. Hints on an Improved and Self-paying System of National Education. By the Rev. Richard Dawes, Dean of Hereford,	321
III. — 1. Lo Stato Romano dall' Anno 1815 al 1850. Per Luigi Carlo Farini. Vols. I. & II. Torino: 1850. Vol. III., 1851.	
2. The Roman State from 1815 to 1850. By Luigi Carlo Farini. Translated by the Right Hon. W. E. Gladstone, M.P. Vols. I. and II. London: 1851.	
3. Memoire Storiche sull' Intervento Francese in Roma nel 1849. Di Federico Torre. Vol. I. Torino: 1851.	
4. Histoire de la Révolution d'Italie en 1848. Par Joseph Napoleon Ricciardi, Ancien Député au Parle- ment de Naples. Paris: 1850,	357
[And other Works.]	
IV. — An Investigation of the Principles of Athenian Archi- tecture; or the results of a recent Survey, conducted chiefly with reference to the Optical Refinements exhibited in the Construction of the Ancient Build- ings of Athens. By Francis Cranmer Penrose, Architect, M.A., &c. Illustrated by numerous En- gravings. Published by the Society of Dilettanti. London: 1852,	395
V.—1. Report of the Select Committee appointed to consider and suggest Means for facilitating safe Investments	

	Page
for the Savings of the Middle and Working Classes. Ordered by the House of Commons to be printed, July, 1850.	
2. Report of Select Committee on the Law of Partnership. Ordered by the House of Commons to be printed, July, 1851.	
3. Partnership en Commandite. London: 1848.	
4. Industrial Investments and Emigration. By Arthur Scratchley. 2nd Edition. London: 1851.	
5. Law of Partnership and the Investment of the Savings of the Poor. By H. Bellenden Ker, Esq. London: 1850, . . . . .	405
VI.—1. The Liturgy of the Church of Scotland, or John Knox's Book of Common Order. Edited and carefully revised by the Rev. John Cumming, M.A., Minister of the Scotch Church, Crown Court, Little Russel Street, Covent Garden. London: 1840.	
2. Calvin's Tracts. Containing Treatises on the Sacraments, Catechism of the Church of Geneva, Forms of Prayer, and Confessions of Faith. Printed for the Calvin Translation Society. Edinburgh: 1819.	
3. La Liturgie, ou la Manière de célébrer le Service divin dans l'Eglise de Genève. Genève: 1828.	
4. Lateinische und Griechische Messen, aus dem zweiten bis sechsten Jahrhundert. Herausgegeben von Franz Joseph Mone, Archiv director zu Karlsruhe. Frankfurt am Main: 1850, . . . . .	453
[And other Works.]	
VII.—Mémoires et Correspondance de Mallet du Pan, pour servir à l'histoire de la Révolution Française. Recueillis et mis en ordre par A. Sayous. 2 vols. 8vo. Paris: 1851, . . . . .	481
VIII.—Roebuck's History of the Whig Party of 1830. 8vo. London: 1852, . . . . .	517
IX.—Nicaragua: its People, Scenery, Monuments, and the proposed Inter-oceanic Canal. By E. G. Squier, late Chargé d'Affaires of the United States to the Republics of Central America. 2 vols. 8vo. London: 1852, . . . . .	553
X.—1. Lord George Bentinck: a Political Biography. By B. Disraeli, Member of Parliament for the County of Buckingham. 1 vol. 8vo. pp. 588. 1852.	
2. The Finances and Trade of the United Kingdom at the beginning of the Year 1852. London: 1852. Pp. 60, . . . . .	569

THE  
EDINBURGH REVIEW,  
OR  
*CRITICAL JOURNAL:*

FOR  
JANUARY, 1852 . . . . APRIL, 1852.

*TO BE CONTINUED QUARTERLY.*

---

JUDEX DAMINATUR CUM NOCENS ABSOLVITUR,  
PUBLIUS SYRUS.

---

VOL. XCV.

LONGMAN, BROWN, GREEN, AND LONGMANS, LONDON;  
AND ADAM AND CHARLES BLACK,  
EDINBURGH.

---

1852.

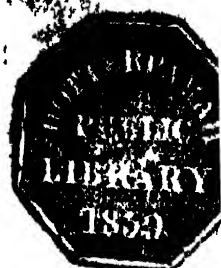
Allegoria di ...  
don. No. 6531 data. 1. 4. 75

LONDON :  
SPENCER and SHAW,  
New-street-Square.

THE  
EDINBURGH REVIEW,

APRIL, 1852.

—  
VOL. CXCIV.  
—



ART. I. - *Nouvelles Causes Célèbres*. Recueillis et mis en ordre par M. le Comte de Marcourt. Paris: 1846

THE work, of which we have prefixed the title to this Article, is one of an intended series which was interrupted by the revolution of 1848. We have not been able to find more of it than these two volumes; and we believe that no more has been published. They form, however, a complete work, containing the life and remains of a man who was one of the most distinguished members of the French Bar during one of its most brilliant periods, and one of the most able and intrepid of the statesmen who, after the Bar was silenced, sacrificed their lives in the attempt to erect a stable government out of the ruins left by the Convention. We believe that a short notice of it may be interesting, both as illustrating the remarkable social state which preceded, and in fact brought on, the great French Revolution, and also as throwing light on the military revolution of the 18th Fructidor, which, next to that of 1789, has been the event which has most affected the fortunes of France and of Europe,—a revolution which deprived France of the glorious peace which Pitt was eagerly offering to her, which led her to play double or quits with Fortune, until the unlucky throw, sure to come at last, stripped her of the winnings of twenty years of successful war, and which during the fifty-six following years has always placed her sceptre in the hands which know best how to use the sword.

Tronson du Coudray was born at Rheims, on the 18th of November, 1750. His family belonged to the noblesse of the town; a class which the facilities of locomotion, the preponderance of Paris, and a growing contempt for provincial illustration,

and indeed for provincial life, have now nearly extinguished in France, as they have in England; but which, a century ago, constituted in every city a respected aristocracy, with a public spirit and a public opinion of its own. He was one of ten children, and the means of his family would not have enabled him to receive more than a very narrow education; but the talents which he displayed as a boy attracted general notice, and the city of Rheims supplied the funds necessary to carry him through the University. His favourite study was the law, then a necessary part of a liberal foreign education; not, indeed, the municipal law of France, (for among the heterogeneous ill-assimilated provinces into which France was then divided, there was no general law of France, any more than in England there is a general law of copyholds,) but the great magazine of jurisprudential experience, skill, and philosophy, — the Roman Civil Law. His exertions injured his health, and he was advised to try a total change of scenes and pursuits. He connected himself with a commercial firm in Rheims, and travelled on the business of the house through Germany, Poland, and Russia. His health was restored, but on his return he found himself engaged in a lawsuit with his partners. This decided the course of his future life. He pleaded his own cause, and his success made him resolve to make the law his profession. At the age of twenty-eight, in 1778, four years after the accession of Louis XVI., he was received as avocat in Paris, and began his short but illustrious career.

The system of criminal procedure which then prevailed in France, as it still does in the greater part of Europe, is one which in England is adopted merely as preparatory to trial. It is called, by foreign jurists, the process by inquiry, to distinguish it from that which we adopt, which they call the process by accusation. Under the latter system the sovereign, on the complaint of an individual, brings forward and supports a specific accusation, against which the accused defends himself: a time is appointed for the decision, at which all the evidence on each side must be ready. If at the trial any link is wanting in the prosecutor's chain of evidence, so much the worse for justice; if one is wanted on the part of the prisoner, so much the worse for innocence. When once the curtain has been raised the play must be played out. The witnesses are bound to remain in attendance, the jury are kept from their homes, the court sits on from hour to hour, or, if necessary, from day to day, until the verdict has been pronounced. But the process by inquiry, as is the case with us with respect to the preliminary proceedings before the committing magistrates, is not

confined within any fixed period. The question which the Court has to decide is not whether a prosecutor has proved that a specified accused person has committed a specified offence, but whether any and what offence has been committed, and who has committed it.

The inquiry, therefore, is at first *ex parte*. If a plausible case is made out against an individual he is arrested, imprisoned, and examined; his own examinations being expected to afford or to indicate the best evidence against him. When all the criminatory proof has been collected, it is communicated to the prisoner, who now, perhaps for the first time, knows the nature of the charge, and for the first time has legal assistance. As justice has not hurried herself in collecting the evidence against him, she does not hurry him in preparing his defence. No time is fixed for the termination of the proceedings. They are to end as soon as the Court is convinced of his innocence or of his guilt. Further proofs on either side may be adduced at what appeared to be the last moment. An accusation is a drama, in which all the unities, action, time, and place, are preserved. An inquiry resembles a novel, in which event succeeds event, and the story wanders on from year to year.

The first important cause in which Tronson du Coudray was engaged was a remarkable one.

On the 1st of August, 1773, a horseman, who was approaching Peronne, found on the high road a boy of about eleven years old, covered only by half-consumed rags, attenuated by want and fatigue, and uttering inarticulate cries. The traveller took his new acquaintance with him to Peronne, set before him food, which he devoured with a voracity which showed that he had long endured hunger, and endeavoured to learn his history. This, however, he found impossible, for the boy was deaf and dumb. A charitable woman took charge of him for some weeks, at the end of which, through the intervention of M. de Sartine, the well-known minister of police, he was placed on the 2nd of September in the Bicêtre, then used as an asylum for foundlings. Food and rest restored his bodily health, but he shrank from the contact of the boys among whom he was thrown. They belonged, most of them by birth, all of them by education, to the lower orders. His appearance, and, as far as his infirmities permitted it, his manners, were aristocratic. He had the quick intelligent look which often animates the countenances of those who derive knowledge only through their eyes, and the docility and refinement which are the results of early cultivation. He was of course oppressed and persecuted



by his vulgar companions; his spirits, and at last his health, failed; and after remaining twenty-two months in the Bicêtre, he was removed to the Hôtel Dieu of Paris. The Abbé de l'Épée, always in search of objects whom, by means of the wonderful system of signs of which he was the inventor, he could enable to communicate with their fellow creatures, found the deaf and dumb boy at the Hôtel Dieu, removed him to his own house, and in a few months rendered him capable of telling something about himself. The story which Joseph (that was the name given to him by the Abbé) related was, that he remembered having lived with his father, and mother, and sister, in a fine house with a large garden, and that he used to ride in a carriage and on horseback; that his father was tall, his face marked by wounds received in battle; that he died, and that his mother and sister, as well as himself, wore mourning; that he was taken from home by a man on horseback, and turned loose in a wood, wandered for some days until he reached the high road, and then passed through the adventures which we have related.

Joseph's story, which bears a wonderful similarity to that related by Caspar Hauser, sixty years afterwards, excited deep interest. It was frequently told by the Abbé in the sort of lectures which he gave to those who visited his establishment; and both the speaker and the audience indulged in conjectures as to what the great family might be of which Joseph was probably the representative. A lady who was present on one of these occasions, apparently in the beginning of the year 1777, mentioned that in the autumn of 1773, a deaf and dumb boy, the only son of Count Solar, the head of the ancient house of Solar, which has produced several knights celebrated in the history of the Order of Malta, had left Toulouse, where his father and mother then resided, and had never returned. He was said to have died soon after. It was suggested that this was Joseph. Inquiries were made at Toulouse, and the suggestion became plausible. The family of the Count had consisted of two children, a boy and a girl, the boy born in the year 1761, and deaf and dumb. The father had died in the beginning of 1773, and the mother had sent her son from Toulouse to Bagnères de Bigorre, under the care of a young lawyer named Cazeaux. In the beginning of the next year Cazeaux had returned, but not the boy; he was said to have died in January, 1774, of small pox. The mother died in 1775.

The Abbé de l'Épée took up the cause of his pupil with the enthusiasm which belonged to his character. He believed that

in what had passed he could trace the hand of Providence. Young Solar's mother, he maintained, either to escape from the burden of an imperfect child, or to secure for herself or for her daughter his inheritance, had given him to Cazeaux to be exposed. To conceal the crime he had been taken 600 miles off, to Peronne, and abandoned to what appeared certain destruction in a wood. But the eye of God was watching. A traveller was sent to rescue him, a woman to receive him, the Abbé himself to instruct him; and now able for the first time to tell his story, he asked for restoration to the honours of his house, and for the punishment of Cazeaux, the only surviving actor in the crime.

The Duc de Penthievre, a prince of the blood, was among those whom the Abbé interested for his *protégé*. He provided munificently for Joseph's support, and supplied funds for the expensive legal proceedings necessary to establish him as Count Solar.

The boy was taken to Clermont, the birthplace of the Countess Solar, where she and her son had lived during the first four years of his life. It was not to be expected that those who had known him only when four years old would recognise him at seventeen. Some recognition, however, there was; Madame de Solar's father was still living; he fancied that Joseph resembled his grandson, and, what he thought more important, he felt for him an affection which must be instinctive. The Countess's brother believed Joseph to be his nephew, because he had the round shoulders and large knees of the Count. The woman who kept the school at Clermont, at which the young Count had been placed, her daughter, and two servants, also perceived a resemblance. It was recollected too that the young Count had on his back a mole in the shape of a lentil; a similar mole was found on the back of Joseph.

It appears that Joseph possessed considerable natural talents, and that his deafness was not complete. He soon ascertained the nature of the claim which was made on his behalf, and endeavoured to promote it. He had sufficient self-command to feign perfect insensibility to sound, and sufficient acuteness to make out something of the conversations which passed before him. He learned some facts connected with the Solar family, and reproduced them; and thus a considerable body of evidence of his identity was collected. The evidence, however, on the other side was strong. Many persons belonging to Toulouse, who had been intimate with the young Count, denied even his resemblance to Joseph; and, what seemed to be almost decisive, the young Countess Solar did not recognise Joseph as her brother,

nor did he know her to be his sister. Each treated the other as a stranger. The identity, therefore, of Joseph and the young Count sank from a probability to a possibility — a possibility which must vanish altogether, if the death of the latter could be established.

The Abbé de l'Épée, however, and the public, had taken up Joseph's cause with the inconsiderate vehemence to which the French are subject. He claimed, before the Cour du Châtelet, in Paris, the name and honours of Count Solar; and the first step taken by the court was to order the arrest of Cazeaux, and his prosecution as the abductor and exposé of Joseph.

As a specimen of Tronson du Coudray's powers, we extract his statement of the mode in which the arrest was made. It must be recollected that he was then a young advocate making his first important speech.

‘ At mid-day the officers of justice, accompanied by a furious mob, seized M. Cazeaux, dragged him through the streets of Toulouse to the Hôtel de Ville, where they threw him into a horrible dungeon, called la Miséricorde, to wait among condemned felons for the departure of the cart which was to carry him to Paris. The next day, and again at noon, both hands and feet in irons, he was thrown into it, and thus set out on a journey of five hundred miles. While they were in motion he was chained to the cart; when they halted he was chained to the inn table; at night he was chained to his bed. “At every village,” he has often said to me in our consultations, “the inhabitants crowded round the carriage, and speculated on my crimes. He is a highwayman, said some. He is a murderer, said others. He is to be broken on the wheel; no, he is to be burned, look at his chains; and I could not close my ears or hide my face.” Painful as this picture is, I must dwell on it for an instant. For seventeen days this innocent man (for innocent he is; I shall prove it even to demonstration) was exposed to fresh witnesses of his dishonour. For seventeen days he read in hundreds of eyes the horror and the disgust which his presence inspired. For seventeen days he heard repeated at every stage prophecies of his infamous execution. Though his conscience told him that he was innocent, a hundred voices proclaimed his guilt. “I am innocent,” he repeated. “Nonsense,” they replied, “look at your chains.” And he could not close his ears or hide his face. Ah, Messieurs, if I could allow myself to admit the supposition that he is guilty, his guilt has been atoned for. The sufferings of seventeen days such as those of avengé society. Let another scene of this tragedy pass before

‘us. The ignominious journey at length came to an end. M. Cazeaux reached Paris; he was taken from his cart and thrown into one of the vaults of the Grand-Châtelet. Thence he was transferred to a still lower dungeon, without light or air, and kept for six days without examination. For six days — and the law says that every prisoner shall be examined within twenty-four hours. For six days my unhappy client was left in darkness and in solitude to brood over the cruelties which he had suffered, and to imagine those which he had to undergo. If the past indicates the future, what is the amount of the oppression that is reserved for him?’\*

Tronson du Coudray then proceeded to prove, by the depositions of a host of witnesses, that the day on which the young Count left Toulouse, under the care of Cazeaux, was the 4th of September, 1773. It was on the first of August, in the same year, that Joseph was found in the wood near Peronne. From these respective dates he traced the contemporary history of the two youths; showed that in November, 1773, the Count Solar was at Bagneres, and Joseph at the Bicêtre; and, finally, that on the 28th of January, 1774, Count Solar died at Charlas, near Bagneres, of small pox, having survived his father about a year.

Cazeaux was of course acquitted; but the veil was never removed from the early history of Joseph. That he was the son of a man of fortune and rank, that during his father's life he was treated with kindness, and that when his father died his mother sacrificed him to family pride or cupidity, are facts which there seems no reason to doubt. It is scarcely possible that he could have invented them. And the circumstance that such a sacrifice could be made without detection throws some light on the state of French society before the Revolution. A frightful mystery must have been confided for many years to many persons; persons not selected as peculiarly fit to be its depositaries, but the ordinary domestics of a great family. Yet so strong was the feudal principle of loyalty by which they were bound to keep the secrets of the House in which they served, that not a whisper ever revealed the domestic tragedy in which many must have been actors and many more spectators. If such events were to take place now in France, if the deaf and dumb child of opulent parents were exposed by his family, and were rescued by accident, and public curiosity were seeking out his relations, not a month would pass before some accomplice or some confidant would supply a clue by which they would be

---

\* Tome i. p. 40, 41, 42.

ascertained. The strong domestic discipline of the eighteenth century suppressed all indication.

Another set of events, distinguishing those times from ours, is the treatment of Cazeaux. We have extracted Tronson du Coudray's description of his violent arrest, and of his ignominious transportation to Paris. The subsequent proceedings in the inquiry were of a piece with its atrocious beginning. For twenty-two days he was left in a dungeon, unlighted and unventilated, with no intercourse with mankind, except six examinations, each of which, such was then the pace at which justice advanced in France, lasted eight hours. The intercession of the Archbishop of Toulouse procured for him a more tolerable prison, and legal assistance. He asked to be admitted to bail. It was refused. He demanded that Joseph should be taken to Toulouse, to Bagneres de Bigorre, and to Charlas, the last places in which Count Solar had been known, and staked his life on the result. If Joseph was there recognised as the Count, he would make no further defence.

It is obvious to us, and must have been obvious to the judges of Cazeaux, that this experiment would have been decisive. If Joseph was the Count Solar, a thousand witnesses were there to proclaim it; if he was not, there were there a thousand witnesses to deny it. This again was refused.

'On what grounds?' asked Tronson du Coudray. 'A reason has been given, but one which this Court would not have conjectured — one which it can scarcely believe — but I must report it as I received it. The ground is, that the expense would be too great. This is the answer to the cries of an innocent man in his despair. This is the sort of excuse which keeps our prisons full. The expense! when the questions at issue are the rank and fortune of one citizen and the honour and life of another. The expense! when an impostor is to be exposed or a murderer to be punished. The expense! as if the most sacred debt owed by the Crown were not the protection of its subjects.\*'

For eleven months Cazeaux was detained in the prisons of the Châtelet of Paris, uncondemned, unacquitted. All his little fortune was wasted, his practice destroyed, and his health ruined. And if he had not appealed to the Parliament of Rouen, there seems no reason for fixing any term at which the inquiry would have terminated. How are this cruel rigour and indifference to be accounted for? It does not appear that the judges of the Châtelet had any personal quarrel with M. Ca-

zeaux. It does not appear that until they ordered his arrest they had ever heard of him. He was an obscure provincial lawyer, whose name had never reached the capital.

We believe that it was to this very obscurity that he owed his sufferings. He was a *roturier*, and he was accused of having injured a noble. The Court cared no more about his feelings, or his sufferings, or his ruin, than a Bramin cares about the fortunes of a Pariah, or a Boer about those of a Hottentot. He belonged to a caste for whom those who then governed France had no fellow feeling. One cannot wonder that when the millions of whom that caste was composed suddenly passed from abject weakness and contempt to absolute power, they felt no sympathy for those from whom they had received none, and looked with indifference, or in many instances with pleasure, on the exile, the ruin, and even the judicial murder of those who were known to them only as insolent superiors.

Our readers may perhaps be interested by the actors in this remarkable drama sufficiently to wish to know their subsequent history. Joseph, admitted to be probably an injured gentleman, though certainly not Count Solar, entered the army and was killed early in the revolutionary war. A M. Avril, a rich old bachelor, a judge in the Châtelet, who had taken an active part in the proceedings against Cazeaux, sought his acquaintance after his acquittal, and made him a splendid amends by bequeathing to him a considerable fortune. The revolution came, and for a time diminished the prejudices of caste. The Countess Solar was poor. Cazeaux had become rich. They married, fixed themselves at Mandres, near Brunoy, a few leagues from Paris, on a part of the property inherited from Avril, and lived there through the Revolution, the Consulate, the Empire, and the Restoration. M. Cazeaux died in 1831; his wife in 1835. It is a proof of the degree in which manners have degenerated in France, that M. Cazeaux, a provincial and a *roturier*, was considered in his old age a model of elegance. The only drawback on the tranquil happiness of his later life was that more than once a dramatic, or a melodramatic writer took Joseph, or the Abbé de l'Épée, for his hero, and turned Cazeaux into a hired assassin. Cazeaux had to write and to explain; and there is always some degradation in having to confess that one has been treated, however innocent, as a malefactor, and in having to prove that the treatment was not deserved.

We proceed to a trial of a very different kind, — to a comedy rather than a tragedy.

At the time of which we are writing, one of the principal

employments of the Courts was to decide on demands made by wives for a formal separation from their husbands.

Such a separation was decreed, on proof that the husband had either treated his wife with cruelty or had defamed her character. On both these grounds the Marchioness Soyecourt demanded a separation from her husband, the Marquis. We shall not dwell on the evidence by which she supported these charges, or on the arguments by which Tronson du Coudray refuted them. The interest of the cause lies in the relative situation of the parties, and in the insight which their ante-nuptial arrangements, and their post-nuptial conduct, give us into the habits and feelings of the aristocracy of the *ancien régime*.

The Marquis de Soyecourt had lost successively two wives, when he proposed to marry the Princess Nassau-Saarbruck. She had little fortune, and was no longer young; but her rank was high, and this seems to have attracted the Marquis. He was also a man of high birth, though not equal to hers, and he had a large fortune. By the marriage-settlement the Marquis engaged to allow his wife 400*l.* a-year pin-money; to keep for her exclusive use a coach and six, three footmen, two ladies-maids, and a postilion, all to be selected by herself; and, if she required it, to give her a *dame d'honneur*.

On these terms the marriage took place in July, 1783, and they immediately took possession of the Marquis's country house, Tilloloy, in Picardy. A large party had been assembled in the house by the Marquis eight days before the marriage, and remained there till the family moved to Paris in December. Open house was kept for the neighbours, so that Tilloloy, for five months, was a scene of constant fête. The same sort of life was continued at Paris, and if gaiety and dissipation were the Marchioness's objects she enjoyed them in perfection. It is characteristic of the manners of the times that Du Coudray, among his praises of the Marquis's marital conduct, dwells on his having every morning paid his wife a visit in her apartment to inquire after her health.

We have mentioned the clause in the settlement which gave the lady a household of her own. Her servants abused their independence with the insolence of uneducated persons. They neglected the orders of the Marquis, they refused to perform for him any services, to announce, for instance, his visitors, or to serve him at table, and they were supported by their mistress. He defended himself by dismissing two women who were the most offensive. The Marchioness instantly quitted his house and made a legal demand for separation, and for alimony, which she fixed at 4000*l.* a-year, being about half of his whole

income. Her grounds of complaint were, that he had dismissed her servants, which she termed cruelty, and that he had declared that her child was not his, which, with more reason, she called defamation. Immediately afterwards the Marquis was committed to the Bastile on a *lettre de cachet*. This was in 1786. A *lettre de cachet* was not then a thing to be freely discussed. The Marquis was not informed on what grounds, or on whose solicitation, this was issued: he was told, however, that if he would arrange matters with his wife it would be recalled. He refused to submit, and after some months' imprisonment was released, but exiled to Tilloloy. Tronson du Coudray complains bitterly that this exile prevented his calling personally on his judges, and informing them of the merits of his cause. For, according to a practice which then prevailed over nearly the whole of the Continent, and now exists in many parts of it, particularly in Italy, the parties in a cause visited separately their judges, and each told his own story in private. What was the ultimate result of the Marchioness's complaint does not appear. We have only Tronson du Coudray's pleading. Though delivered scarcely more than sixty years ago, it implies a state of habits and feelings which seem to be separated by centuries from those of modern France.

The longest and perhaps the most important argument in this collection is that which Tronson du Coudray delivered in the end of 1788, before the Parlement of Rouen, on behalf of the Sieur Thibault against M. Froudière.

Two brothers named Thibault, rich old bachelors, lived together at Paris in 1786, with a small household, in which one Marie Clereaux was a housemaid. They suspected her honesty, examined her trunks, found there some handkerchiefs belonging to one of the brothers, and five hundred francs, the possession of which she could not account for, and which they therefore assumed to be the produce of former thefts. They immediately dismissed her, retaining the five hundred francs, but took no further proceedings. A few days after she came to them, accompanied by a commissaire de police, and demanded from them the money, and a certificate of good conduct. They refused both, assigning as the grounds of their refusal the facts which we have related. She admitted that the handkerchiefs had been found in her box, but maintained that they had been placed there by the Thibaults, and required them either to give up to her the money or to indict her for theft. They were of course forced to accept the challenge, and prosecuted her before the Court of the Bailliage. She was condemned, and appealed to the Par-



lement de Rouen. In this appeal her counsel was M. Froudière.

The French press was then subject to a censorship, from which legal papers, signed by advocates, were alone exempted. The inhabitants of a great capital delight in gossip and scandal, which were abundantly supplied by the proceedings of the courts of law. They formed the favourite literature of the time. Our readers must recollect the pleadings of Beaumarchais, and the avidity with which all Paris devoured his *requêtes* and his *repliques* in matters which might have been supposed to possess no public interest. M. Froudière signed, printed, and distributed on the behalf of Marie Clereaux, a *requête*, in which her former defence, that the handkerchiefs had been placed by the Thibaults in her box, was repeated. It seems now, however, to have occurred to her, or to her counsel, that it was necessary to assign a motive for such conduct, and to show what could have induced two men of fortune and station to conspire for the purpose of imputing to their own servant a capital crime. The motive assigned in the *requête* was that Marie Clereaux had become the involuntary depositary of a frightful secret.

‘A few nights,’ she said, ‘before the day on which my boxes were searched, and the handkerchiefs found in them, I was awoke by the cries of a woman. I thought that I recognised the voice of my fellow servant, Marie-Anne Delaunay. They continued for some time. I became too uneasy to stay in bed, got up, and groped my way in the dark towards the room from which they seemed to issue. It was that of the younger M. Thibault, which stands at the end of a passage, detached from the rest of the house. As I reached the passage the cries of the woman were mingled with those of a child. I was alarmed, and went back; they became more violent, and I went again towards the room; there was a strong light, like that of a large fire, under the door. I knocked, and called, but the door was kept shut, and Thibault cried from within that nothing was the matter, and desired me to go back to my room. I stayed some time before the door, during which I heard nothing but the suppressed sobs of the woman, and from time to time the low wailing of the child. I knocked again and was fiercely and peremptorily ordered away, if I valued my life. I did not venture to remain at the door, but lingered at the end of the passage. Suddenly I heard a frightful shriek, succeeded by perfect silence. I ran back to my bed, and passed the rest of the night thinking over the horrors that I had heard. The next day, and, indeed, until I was turned

‘away, M. Thibault’s room was kept locked. Neither he nor Marie-Anne Delaunay would give me any explanation. They merely answered my inquiries by saying that nothing had happened, and that it would be better for me if I minded my own affairs. I never again heard the voice of the child. What became of it is known only to the Thibaults and Marie-Anne Delaunay. I was not wise enough to follow their advice, and mind my own affairs; from time to time I alluded to what had passed. I was caught once trying to enter M. Thibault’s room. The next day, on returning from a message on which I had been sent, I found my boxes broken open. I was told that property of my masters had been found in them. I was discharged without a character, was robbed of the little money that I had saved, and when I asked for reparation I was prosecuted for theft.’

The libel ran like wildfire through the excitable population of Paris. It was just on the eve of the Revolution. The press took up the cause of poverty against aristocratic fraud and cruelty. Nothing was too monstrous to be believed when two rich men were accused by a servant girl. The skill with which the dreadful story was rather hinted at than told, the veil thrown over its catastrophe, yet raised enough to show what it must have been, the credibility given to the whole by the official signature of the advocate, seem to have blinded every one to its original improbability and to its defective proof. A furious mob attacked the house of the Thibaults, and were not driven away by the troops till they had broken through its doors and thrown torches into the sitting rooms. The two brothers fled from house to house, pursued every where by imprecations as the burners of the child. The elder Thibault, a man of seventy, ventured to walk in the Cour Dauphin. A crowd soon collected; he hurried back, slipped, and fell; they rushed on him, and trampled him under foot; and though he was saved by the police from being torn to pieces on the spot, he died in three days of the injuries which he then received. A furious mob interrupted his funeral, threw the coffin on the ground, and endeavoured to exclude it from the church. A sister died broken-hearted a few days afterwards. The surviving brother, after one or two narrow escapes from the mob, protected himself by concealment. The proceedings of the Court before which Marie Clercaux’s appeal was tried, were disturbed by the vociferations of the spectators, and more than once suspended. And we cannot avoid suspecting that it was under this pressure from without that the judges gave their

decision, if decision it can be called. They ordered her release, without either acquitting her or finding her guilty.

M. Thibault proceeded against Froudière before the Parlement de Rouen, as responsible for the libel. Tronson du Coudray's argument for the plaintiff consists of six distinct speeches; the five first containing the attack, the sixth the reply. They are now published from a copy corrected by the author.

The first tells in detail the story of which we have given the outline. In the second and third, Du Coudray meets Froudière's excuse, that the *requête* was a necessary part of Marie Clercaux's defence. The statements contained in the *requête* were a part of the defence only so far as they were true, and Froudière, a practised advocate, accustomed all his life to sift evidence, must have seen at once that they were false. They rested on the bare assertion of Marie Clercaux, not merely unsupported by any other testimony, but opposed by a vast body of negative evidence. No one had ever heard of the existence of the child whose murder was the foundation of her story. No one had ever suspected any female in the house of pregnancy. The two Thibaults, whom she accused of this combination of frightful crimes, had each passed a long life with unimpeached reputation. On her first trial she had merely affirmed that the handkerchiefs had been placed by the Thibaults in her box, but had not suggested any motive for such wickedness. It was only on the appeal, after Froudière became her counsel, and not early even in that proceeding, that the murder of the child was brought forward. It was the duty of Froudière at once to tell his client that he would not be a party to the propagation of such a calumny, instead of becoming her active accomplice.

'Your guilt,' said Tronson du Coudray, addressing his adversary, 'is a hundred times deeper than that of your client. The calumnies of Marie Clercaux were buried among the manuscripts of the pleadings, yours were scattered by the press over all Paris. Marie Clercaux was a poor wretch without morals or shame, whose testimony carried no weight, you are an advocate, a man of talent and of knowledge, all that you authenticate is believed. When Marie Clercaux was interrogated she betrayed herself by the extravagance of her answers, you covered her absurdities with the skill of an experienced pleader. Marie Clercaux had mere audacity, you employed eloquence, imagination, sarcasm, and philosophy. Marie Clercaux, with all her evil intentions, addressing only her judges, was impotent. You, appealing to the public, have destroyed the lives of some of your victims and the happiness of all.

‘ You ask what interest you had in attacking M. Thibault ?  
‘ This was your interest. You wished for celebrity, you wished  
‘ to create an effect, you wished to be talked of. An honour-  
‘ able advocate may have these weaknesses, but his self-love is  
‘ tempered by his feelings of propriety. He refuses to obtain  
‘ notoriety by calumny ; he repels the suggestions of vanity,  
‘ he is ashamed of having allowed them even to soil his mind.  
‘ An unscrupulous man delights to show his powers of sarcasm  
‘ and invective. He delights in being feared as well as praised,  
‘ in inspiring at the same instant terror and admiration. Ha-  
‘ bitual indulgence in these passions produces the hateful state  
‘ of mind to which we give the name of *malignity* ; a state of  
‘ mind in which, if the first object is to do good to oneself, the  
‘ second is to do harm to others. You say that you did not  
‘ hate M. Thibault. Certainly you did not, for, I believe, that  
‘ until you were Marie Clercaux’s counsel you had never heard  
‘ his name. But your mind was filled with a much worse  
‘ passion than hatred of an individual. You had no particular  
‘ wish to injure M. Thibault, but you had a general determina-  
‘ tion to injure every one who stood in your path ; every one,  
‘ by injuring whom you could advance yourself. This is the  
‘ circumstance which interests the public in this cause. This is  
‘ the circumstance which makes your example dangerous. You  
‘ do not hate M. Thibault ; it would be a hundred times better  
‘ if you did. It would be a single fact, disgraceful, criminal,  
‘ but not alarming. The only inference would be, that it is  
‘ dangerous to incur your enmity. But that without any feel-  
‘ ing of hatred, of resentment, or even of jealousy, merely  
‘ because it happened to suit you so to do, you covered an  
‘ innocent stranger with opprobrium ; this is enough to spread  
‘ terror all around you. It is possible to avoid incurring your  
‘ hatred. There is no mode of protecting oneself from your  
‘ malignity.\*

‘ And here,’ said Du Coudray, at the end of the third speech,  
‘ I might sit down. I have proved by the clearest evidence,  
‘ that you have aided in disseminating atrocious calumnies.  
‘ But you answer, “ The evidence is not to be trusted ; at  
‘ “ least, the inference of my opponent is not to be drawn  
‘ “ from it. It is impossible that a man of my station and  
‘ “ character could knowingly have been an accomplice in  
‘ “ a calumny. I believed Marie Clercaux’s statements to be  
‘ “ true. I now believe them to be true. If they are false,  
‘ “ it is my error, not my fault.” To this answer of yours

‘ I have a reply which my compassion for you scarcely allows  
‘ me to utter. Ten times during the pleadings I have thought  
‘ of suppressing it, but you have made it necessary to my cause,  
‘ and it must come out.

‘ This is a dreadful moment for you, M. Froudière, probably  
‘ the most terrible that you will ever undergo. You are in the  
‘ presence of the judges to whom you owe an account of your  
‘ whole conduct, and never more so than now. You are in the  
‘ presence of the whole order to which you belong; you have  
‘ summoned it to hear your justification. You are in the pre-  
‘ sence of an audience as large as this vast hall can contain, be-  
‘ longing to every class of society, but all uniting in their hatred  
‘ of falsehood and treachery. Here is no room for subter-  
‘ fuge, for equivocation, for sophistry, or even for palliation.  
‘ You will have to give me a clear, a precise, and a convincing  
‘ answer, or to surrender for ever all claim to public esteem.  
‘ As for myself, I think no more of the interests of my client,  
‘ I rely no longer on the privileges of my profession; I shall  
‘ speak with the moderation, with the impartiality, and, I trust,  
‘ with the candour of a bystander or a witness. You shall  
‘ not reproach me with exaggerating a word or a look.

‘ These then, M. Froudière, are the facts which have been  
‘ your secret terror during the whole of this long inquiry; the  
‘ facts which you have endeavoured to conceal by chicanery, by  
‘ intimidation, and by corruption; facts, whose overwhelming  
‘ weight is increased by their certainty, by their being proved,  
‘ not by testimony or by inference, but by record.

‘ Up to the present time I have argued on the supposition  
‘ that Marie Clereaux had no accomplice in her calumnies, that  
‘ your crime was that of an instrument. I thought it right to  
‘ demonstrate, that even on that supposition you are inexcusable.  
‘ I now change the line of my argument. I now maintain,—and  
‘ the frightful story which I have to relate will prove that I am  
‘ right;—I now maintain, that whether the inventor or not of the  
‘ calumny (I leave this in doubt because it is not demonstrably  
‘ in proof,) you were at the very least an active assistant in its  
‘ production; that you developed and fashioned her falsehoods,  
‘ if you did not originally suggest them.

‘ You have pleaded, in the name of Marie Clereaux, that M.  
‘ Thibault was the father of a child by Marie-Anne Delaunay,  
‘ and destroyed that child. You have pleaded, in the name of  
‘ Marie Clereaux, that M. Thibault conspired her death, in  
‘ order to get rid of a witness of his crimes. You have boasted  
‘ that your pleadings in Marie Clereaux’s case were intended,  
‘ not so much for the judges as for the public.

‘ Well, I affirm, and the records of a court of justice will prove it to be true, that you, M. Froudière, have already been convicted of having, in an action in which a priest, your clergyman and benefactor, was concerned, introduced falsely into the pleadings precisely the same calumnies and nearly in the same words.

‘ I affirm that you were convicted of having falsely asserted that this priest had had a child by his servant, and had destroyed it.

‘ I affirm that you were convicted of having falsely asserted that this priest had endeavoured to poison one of his parishioners.

‘ I affirm that you were convicted of having falsely asserted that his object was to get rid of a witness of his crimes.

‘ And I affirm that you boasted that your pleadings should be read by all the shepherds of the country.’ \*

The effect of this denunciation was of course terrible. After a short pause the Advocate-General rose, and addressing the Court, said, ‘ We are filled with horror! M. Tronson du Coudray’s story is frightful. I tremble like every one else. A great criminal is before us. If M. Thibault has instructed his counsel to state facts that cannot be proved, his whole fortune would not pay the damages to which M. Froudière would be entitled. If these facts can be proved, M. Froudière is a monster, from whom society ought to be delivered.’ †

The records of the trial to which Du Coudray referred were in the Provincial Court of Bernay. The Parlement ordered their production. They fully supported Du Coudray’s opening. It appeared that, twelve years before, in 1776, M. Froudière, having quarrelled with l’Abbé de Boisgruel, the curé of his parish, had accused him of precisely the same crimes as those which the *requête* of Marie Clereaux imputed to M. Thibault, had been prosecuted by him for scandal, and had been forced to pay a large sum as damages and to retract the charge in the face of the congregation.

The principal trial was never terminated: the Revolution swept away the plaintiff, the defendant, and the court. All that remains of it are six speeches, which are among the most remarkable specimens of the eloquence of the illustrious bar of France.

The last of Tronson du Coudray’s legal pleadings to which we shall call the readers’ attention, carries us still further on to the Revolution. It is the *mémoire* for the Sieur Reveillon. Reveillon was the son of humble parents: while a child he was

\* Tome i. p. 374.

† Tome i. p. 371.

apprenticed to a paper maker, and in 1743, when he was fifteen, the failure of his master threw him on the world. He had no money, and for some days could procure no employment, and he was dying, as in a country without poor laws a man may die, of cold and hunger, when a lad of his own age and condition saved him by pledging his tools, and raising a sum sufficient to support him till he found work in his trade. His progress was slow. In 1752, after nine years' service as journeyman, he had saved only eighteen francs. With this capital he began the trade of a paper merchant, and in ten years so far increased it as to be able to become a paper maker. Now, however, his difficulties began. He was an inventor; he deviated from the narrow line and routine processes of his trade. He became of course an object of jealousy both to the paper makers, whose productions he surpassed, and to other classes of tradesmen, for whose commodities his inventions might become substitutes. In France every manufacture was then a corporation, with its own privileges, its own bye-laws, and its own monopolies. Some corporation claimed the exclusive right to every new tool which he employed. Every new process which he used, every new article which he offered for sale, was the property of the engravers, or the tapestry weavers, or the printers, or the embroiderers. Actions were commenced against him which would have ruined him by their costs, even if he had succeeded in defeating every one of them.

The remedy to which he had recourse is characteristic of the times: he obtained permission to intitle his establishment 'Manufacture Royale.' Immediately all legal persecution was at an end. An establishment supposed to be conducted by the king might of course employ what tools and processes, and make and sell what wares, the royal manufacturer thought fit. Under the protection of this title, Reveillon became one of the great manufacturers of France. His plant and workshops covered five acres in the Faubourg St. Antoine. He paid more than 200,000 livres a year in wages, which, considering the value of money at that time in Paris, was equal to 20,000*l.* a year in London now. A painter of eminence, who received 10,000 livres a year, superintended the designs of the painted papers: under him were four artists, all of considerable merit. The whole number of persons whose support, directly or indirectly, depended on Reveillon's manufactory must have amounted to thousands. During the memorable winter of 1788, the severity of the frost for some weeks stopped the works; he continued to pay the same wages as before. The jealousy, however, of his rivals was not extinct. They whispered about

in the Faubourg St. Antoine, that Reveillon was the friend of the noblesse; that he was looking out for the Cordon of St. Michael; and, at last, that he had said, that fifteen sous a day was wages enough for a workman. Such was then the state of mind in the Faubourg St. Antoine, that on the 12th of June, 1789, without warning, without explanation, a ferocious mob marched on Reveillon's premises with a declared intention of burning them down and murdering the proprietor. Happily for him he was then at the archbishop's, exercising his privilege of voting. A body of national guards were drawn up in the first court yard: the rioters after some parley retired, announcing their intention to return the next day, but in arms. At noon, the next day, they kept their engagement; a strong body of soldiers was present, but remained inactive. The mob broke through the gates, and lighted three great fires in the yards. Into these they threw every thing that was consumable,—furniture, pictures, books, including all those belonging to the trade, hangings, linen, and clothes. When all that would burn had been burnt, they broke to pieces the chandeliers and glasses, tore down the wainscoting and chimney-pieces, and stole all the money and plate. Having thus amused themselves for two hours, they at last thought fit to fire on the troops. And then at last the troops fired in return, and the mob, having leisurely and effectually done its work, retired.

We have refrained from extracting any of Tronson du Courdray's comments on this outrage, because he does not appear to have perceived its importance. All that he dwells on, all that appears to have struck him, is the malignity of the authors of the imputation. The really formidable symptom was the effect of that imputation. The object which Colbert and his successors had been pursuing for a century, the object to which they had sacrificed, and even now continue to sacrifice, the agriculture and commerce of France, was beginning to be attained. France was becoming a manufacturing nation. Paris was not then, what unhappily it is now, a great manufacturing town, but it had a large manufacturing population. This is the population, the offspring of the French prohibitory commercial, or rather anti-commercial system, which for sixty years has rendered unstable every form of French government, imperial, regal, oligarchical, and democratic, and at length has enabled an usurper to destroy liberty, on the pretence that it leads to anarchy. The facility with which the population of the Faubourg St. Antoine believed the absurd calumnies which Marie Clereaux cast on the Thibaults, and which his manufacturing rivals directed against Reveillon; the ferocity to which in both



cases that belief impelled them; the subservience in the former case of a court of justice to the folly and violence of the mob; and the inactivity in the second case of the public force, were symptoms of the state of mind both in the people and in its rulers, which six weeks after showed themselves in the unpunished murder of the garrison of the Bastille, and three years afterwards in the paid massacres of September.

With the memoir for the *Sieur Reveillon*, the collection of *Tronson du Coudray's* legal pleadings ends. This is much to be regretted, as we know that the period between the plunder of *Reveillon's* establishment in 1789, and *Du Coudray's* entrance into the legislative body in 1795, was the most brilliant portion of his forensic life. He was one of the few advocates whom the Reign of Terror did not silence; who ventured to defend those who were sent to undergo what was meant to be a mere form of trial before the ferocious judges and the sanguinary jury of the revolutionary tribunal. He dared to snatch victims from *Dumas*, *Coffinhal* and *Fouquier Tinville*. He wrote to the Convention to offer himself as the defender of *Louis XVI*. The Convention not only refused the request, but excluded all mention of it from their journals. *Du Coudray* published his offer in every newspaper that dared to print it. 'If *Louis*,' he said, in his letter to the newspapers, 'had enjoyed a free choice of his counsel, I should not have ventured to propose myself. But when it became certain that *Target* had refused, and probable that *Tronchet* would do so too, it seemed to me frightful that such a prisoner should be deserted by all those whose profession it is to defend the unfortunate. I know my insufficiency, but as one of the oldest members of the bar, I feel it to be my duty, if there be any risk, to be among the first to encounter it.'

His services, however, were accepted by *Marie Antoinette*, a still more dangerous client; for *Louis* was only despised, and was put to death principally as a defiance of *Prussia* and *Austria*, and to gratify the national vanity by showing that the democrats of *France* were as decided and as unprejudiced as those of *England* had been 150 years before. *Marie Antoinette* was hated and feared. Nothing could exceed the vigour and the boldness of his defence; and it was the more heroic, as he must have known its utter fruitlessness. Its only effect was to involve him in her danger. He was denounced, imprisoned, and in a few hours would have been on a *charette* on his way to the guillotine. He was saved, as no one else was saved, by a decree of the Convention ordering his release.

At length the Convention approached the end of its memor-

able reign. For three years it had exercised absolute power, legislative and executive; it had beaten down an almost general insurrection, it had waged successfully an almost general war, it had been more terrible to its subjects, to its enemies, and to its friends, than any government which modern Europe had then seen, and while terrifying and crushing all around it, it had been more enslaved, more trampled on, frightened into more abject submission by its committees than even was the case with the victims of its own oppression. Those among its members who had survived the persecutions which had successively driven into exile or to the scaffold, the Girondins, the Dantonists, the Herbertists, and the Terrorists, resolved to leave behind them a constitution which should render impossible the tyranny of either an individual or an assembly. For this purpose they enacted the constitution of 1795, or, as it was called in the jargon of that period, *de l'An III*. This constitution attempted to realise the favourite theory of continental philosophers, the *total*\* separation of the legislative and executive powers. The members of the legislative body were incapable of any other functions. They were not to be ministers, they were not to be generals,—in short, they were not to do anything but legislate. The Directory was to be a collective king, acting by its ministers. It made war, and peace, and treaties, it nominated to every office that was not elective, it did every thing except make laws. As respects administration it was omnipotent, as respects legislation it was impotent. It had not even a suspensive veto. It could not dissolve, it could not even prorogue, the legislative body. Above both powers was the Constitution, to be altered only by a new constituent assembly summoned for that express purpose.

It is interesting to study the working of the constitution of 1795, for it corresponds in many important particulars with that of 1848. Each was the work of an assembly which itself had reigned despotically. Each was based on the incompatibility of executive and legislative functions. Each vested these powers in two distinct authorities, to neither of which it gave any means of controlling, or indeed of influencing the other; and neither constitution supplied any machinery by which a difference of opinion between these two great authorities could be settled. Each constitution seemed to assume that its directory and its legislature, or its president and its assembly, would act

---

\* Rejecting in this the distinctions taken by Montesquieu; to whom, Madison observes in the *Federalist*, the British Constitution was in politics, what Homer had been to Aristotle in epic poetry.

together in perfect harmony, for neither appointed an umpire to decide their disputes. In England the power of the Crown to dissolve Parliament supplies such an umpire. In case of a difference of opinion among the three branches of the legislature, or between any two and the third, Parliament is dissolved, and the great umpire, the people, is consulted. When that experiment was tried in 1784, a House of Commons was returned which differed from the opinions of its predecessor and agreed with those of the King and of the House of Lords. In 1831 the new House agreed with the views of the King, but differed both from those of its predecessor and of the House of Lords: the House of Lords therefore submitted. In 1835 the new House agreed in opinion with its predecessor, and differed from both the King and the House of Lords: the King and the House of Lords therefore yielded. The presence of this safety-valve enables the balanced constitution of England to work. Its absence destroyed the French constitutions of 1795 and 1848.

No legislative body elected by the people, and believing itself, therefore, to be the impersonation of the national will, is satisfied with the mere business of making laws. It soon perceives that the manner in which the laws are interpreted and carried into execution is quite as important as their enactment, and it cannot bear to see its intentions eluded and frustrated, or even imperfectly performed, by what it considers its subordinate, the executive. It sees that the spirit of a government depends on the spirit of its ministers, and that the same law may be a blessing in the hands of one administrator, a curse in the hands of another, and nugatory in those of a third. It begins by requiring that those in whom it has not confidence shall be dismissed, and it soon requires that those in whom it has confidence shall be appointed. An executive, however, to which the constitution has expressly given the power of appointing and removing its ministers does not easily acquiesce in these pretensions. Its favourites are seldom those of the legislature; those of the legislature are often its enemies. It offends the popular body, both by its appointments and by its dismissals, and a quarrel begins, which, in the absence of a mediator, is decided by violence.

Under the constitution of 1795, Tronson du Coudray was elected a member of the Conseil des Anciens, one of the two houses into which the legislature was divided. Its duties were to adopt or reject, without amendment, the laws passed by the other house, the Conseil des Cinq Cents.

It has always been the misfortune of those who have had to rule France under republican institutions, that they have had to administer a form of government unpopular with the bulk of

the nation. Such a state of things is dangerous even to a monarchy or to an aristocracy. Experience, however, shows that either of those forms may subsist for centuries supported only by a minority, and even by a small minority. An unpopular democracy sounds like a contradiction in terms, and must become a contradiction in fact. As soon as the people has found the means of ascertaining and expressing its will, it will select or accept, or submit to the master whom it prefers to self-government.

The French people during the last sixty years, that is to say ever since they have been able to manifest their wishes, have been far more influenced by hate than by love; they have been far more acute in discovering the faults than the merits of their institutions, far readier to pull down than to repair, far more destructive than conservative. The oppressions and abuses which had accumulated under Louis XIV., and his immediate successors, rendered the bulk of the nation furiously anti-monarchical. The Reign of Terror rendered it furiously anti-democratic. On the 5th of October, 1795, (13th Vendemaire) the Convention had to fight a Royalist insurrection, on nearly the same ground on which, three years before, the Monarchy had been destroyed by a Republican mob. There were three places, however, in which Democracy was not extinguished. It still prevailed in the Convention, in the low populace of Paris, and in the army.

The Convention had been elected just after the 10th of August, when the Republican fever was at its height. A majority of its members, by voting for the death of the King, had given up all hopes of favour, perhaps of safety, under a restoration, and nearly all enjoyed influence, patronage, and consideration, which must vanish as soon as, from sovereigns, they became not merely subjects but the subjects of a hostile faction, as violent, and perhaps as unscrupulous, as they had been themselves.

The Parisian populace had the love of tumult and the hatred of authority which belongs to the lowest classes in all great capitals, and the indifference to human life, the readiness to take it and to risk it, which is peculiar to the mobs of Paris. But it was dispirited, by its recent defeats, its leaders had perished, it had been disarmed, it had been excluded from the National Guard, and was at this instant merely a shadow of the tremendous insurrectionary power which, three years before, and thirty-five years afterwards, could sport with the institutions of France.

The army was almost the only great body that had gained

by the Revolution. The bar had been silenced, the clergy had been murdered or exiled, the landed proprietors had fled, abandoning their estates to the holders of assignats, the merchants, bankers, and *rentiers* had been beggared, but the army stood erect in the general ruin. The camp and the garrison had afforded an asylum, which the denunciator and the public prosecutor did not venture to violate. In the three years of the Republic it had obtained successes which eclipsed all the glories of all the reign of Louis XIV. Its rewards had been as splendid as its victories. Men who four years before were following the plough,—who under the *ancien régime* would have hoped for nothing higher than to be serjeants or under-lieutenants,—found themselves generals and proconsuls, the arbiters between sovereigns and their subjects, and influencing the destinies of Europe. We may conceive the contempt or hatred with which Hoche, or Bernadotte, or Moreau looked on the counter-revolutionists, whose object was to restore the reign of favour, privilege, and caste, under which no one could hold a commission until his nobility was certified by the court genealogist.

Supported by the army, and wielding all legislative and all executive power, the Convention was irresistible. But it feared, with great reason, that the legislative body which was to succeed it, elected, though indirectly, by universal suffrage, and representing the Monarchical feeling of France, would abolish Republican institutions. It took two different means to prevent this. One was the old expedient, constantly failing, and constantly reproduced, of trying to fetter the supreme power by forbidding it to alter the Constitution, except at a remote period, and on conditions scarcely capable of performance. No change was to be made until it was demanded by three successive legislatures, and after three intervals of three years each. The other was effectual, but transitory. The Convention decreed that two-thirds of the first legislative body should be taken from among its own members. As the members of the Directory were to be chosen by the Legislature, this secured to the new government a democratic executive, as well as a democratic legislative.

For the first year the pressure from without kept the Legislature and the Directory in tolerable union. The Anti-Republican minority, at the head of which were Barbé-Marbois, Portalis, Siméon, Tronson du Coudray, and Dupont de Nemours, knew well that as soon as the legislative body was changed by one-third, in May, 1797, from a weak minority they would form part of a large majority. A majority which, appointing the

Directory, and through them the ministers, the judges, and the countless officials of France, and wielding the whole patronage of the army, would be far more powerful, and far less responsible, than any constitutional monarch, and, indeed, than any despot can be. They waited, therefore, patiently for what appeared their inevitable triumph, and, without carrying on a systematic opposition, contented themselves with endeavouring to repeal, or to modify, the worst legislative atrocities of the Convention. Some of Tronson du Coudray's best speeches belong to this period of tranquillity,—the last that he was ever to enjoy.

One of these was made on the 6 Pluviose an IV. (27th January, 1796,) against the law of the 9 Floreal an III. (28th April, 1795). By that law the properties, or rather the expectancies, of all emigrants were confiscated by anticipation. So that if a son emigrated, the State became instantly entitled in possession to all the emigrant's presumptive share in his father's estate. When we recollect that by the law of the 3 Brumaire an III. (24th October, 1794,) all who in any meetings had proposed or concurred in any liberticidal proceedings (that is to say, who had opposed on any occasion the democratic faction), and all those who by blood, or even by mere affinity, were connected with emigrants, were incapable of public service, it is obvious that the ruling faction in the Convention had resolved to deprive of the means of subsistence all the adherents of Monarchy or Aristocracy who had escaped the executioner,—to starve all whom it could not murder.

‘ You deprive a man,’ said Tronson du Coudray, ‘ of half his fortune, and your excuse is that his grandson has emigrated. You cannot call this a punishment, unless to have been the grandfather of an emigrant is a crime. But if it is not a punishment it is a robbery, and a robbery more mischievous and more hateful than any that is expiated on the scaffold. We can bar our doors against thieves, we can appeal against the partiality or the corruption even of a magistrate, but against the injustice of a law there is no defence, and no remedy. An individual commits his crimes one by one, the law can rob at once thousands or millions. Not only all sense of security, but all morality, is destroyed when the example of wrong is set by the guardian of right, when the power which we have to dread is that which was created for our protection. Of all means of government, be assured, the weakest, the most absurd, is injustice. Its insolence irritates, its oppression rouses hatred, its falsehood spreads distrust; and when once a Government, and above all a popular Government, has lost

‘the public confidence, it is on the eve of destruction. It falls before the first assailant, however weak, or however contemptible, because its own friends are still weaker, and still more worthless.’\*

A few months afterwards, on the 3 Frimaire an V. (23rd November, 1796), an attempt was made to modify the law of the 3 Brumaire an IV. That law had been an act of violence perpetrated by the Convention in its dying struggles. It was proposed, and passed after a single reading, on the day before that memorable assembly reluctantly surrendered its powers. Tronson du Coudray resisted the partial repeal, and consequently the partial retention, of a law of which every portion was atrocious.

‘You know,’ he said, ‘that that law was extorted by a dominant faction. It was the price, even at that time perhaps an extravagant price, at which the anti-revolutionary minority purchased the Constitution. Those who paid that price were perhaps excusable. They yielded to necessity. But what excuse is there for us, who have the power in our own hands, if we retain any fragments of a law which introduces into a constitutional government the worst deformities of the revolutionary period — a law which recreates “suspects”† by hundreds of classes — a law which as soon as a citizen’s name has been inserted on the list of emigrants,—an insertion perhaps founded on mistake or on malice,—deprives of their rights and of their employments perhaps twenty of his relations and connexions — a law which expels from France, or buries in her prisons, all the most respected and the most respectable members of her clergy — a law which drives into perpetual exile every public servant, whom it has incapacitated, if within twenty-four hours after he is supposed to have been aware of his incapacity, he has not resigned his office — a law which creates privileged classes, as it has created “suspects,” and allows the vilest royalist or anarchist, if he have sat in one of the three revolutionary assemblies, to sit on the bench, or even in the legislature — a law which affects to allow those who disapprove of republican institutions to quit France, but to quit France as beggars; which professes, indeed, to permit them to carry with them their fortunes, but neither in the form of money nor of merchandise, and sells this favour at a

---

\* Tome ii. p. 35. 41.

† There is no English equivalent for a ‘suspect.’ It is a technical revolutionary term, indicating a person presumed to be a traitor though not actually convicted of treason.

‘ price which leaves them nothing to take away — a law which breathes in every sentence the insolence of those who demanded, and the cowardice of those who conceded, it, which has not a clause which is not intended to serve some sordid interest or some base malignity.’\*

The ultra-democratic faction, however, was too strong, and these laws continued, except during an interval of a few months, to disgrace the French statute-book, until they and the party which they were intended to maintain, were swept away by Bonaparte.

We have already remarked on the resemblance of the Constitution of 1795 to that of 1848. They each, with an imprudence which posterity will scarcely believe, provided that the change both of the legislative and of the executive powers should take place at the same period. Under the constitution of 1795, the 1 Prairial an V. (20th May, 1797) was the period fixed for the substitution of a new for one of the existing directors, and of 250 new members of the legislature, to be elected by the people, for 250 who sat there as ex-conventionalists.

The political character of the 250 new members showed what was the prevailing feeling in France. They were all, we believe without exception, anti-republicans. The Royalist, or rather, perhaps, the anti-democratic, party had therefore a majority of two to one. The Constitution, with a folly which again is almost inconceivable, had left to chance the selection of the retiring director. On this chance the destinies of France turned. Barras, La Reviellere-Lepeaux, and Rewbell were the three democratic directors. The two others, Carnot and Letourneur, though not Royalists in opinion, favoured in fact the tactics of the Royalist party. They treated the Revolution as ended, maintained the supremacy of the Constitution and of the law, and opposed all the violent expedients by which the democratic majority, both in the Directory and in the Legislature, endeavoured to control public opinion, and to force the French people to retain institutions which they abhorred. If the lot had fallen on La Reviellere, or on Barras, or on Rewbell, the majority in the Directory would have been turned against the democratic faction; for it is obvious that the Royalist majority in the Legislature would elect a Royalist Director. It fell on Letourneur. The new director therefore, Barthélemy, was, with Carnot, still in a minority.

If the Royalist majority in the Legislature had been only

---

\* Tome ii. p. 91.



tolerably prudent, they would have waited until the lot of retirement was drawn by one of the republican directors — an event which could not be delayed for more than two years, and was probable, in the proportion of three to one, the very next year. The executive, the legislative, and the electoral bodies, being then all unanimous, might probably have effected a legal restoration of the Monarchy. We say *probably*, not certainly, for the army was, as we have seen, still anti-monarchical. The army, however, had not then taken an active part in politics, and it is not probable that it would have ventured to oppose the rest of the nation. But the Royalists acted with the usual impatience of a French majority. They declared instant war against the Directory, or rather against its republican majority; but apparently without having seriously considered what were their means for carrying it on. Executive power the legislative body had none, except the police of the place in which they sat. Their members were excluded by the Constitution from all other public functions; and their powers of legislation were fettered by the Constitution. It prohibited them, for instance, from allowing the emigrants to return, or to enjoy the revenues of their properties: it prohibited their making any provision for the exercise of any religion. When they had repealed, which they immediately did, the law of the 3rd Brumaire, they had exhausted their powers of legitimate anti-revolutionary legislation. They were forced, therefore, to have recourse to factious opposition — a conduct almost always adopted by a legislative body which has quarrelled with the executive, but almost always unsuccessful. The country at whose expense such a battle must be fought is not reconciled to the inconvenience by being told that such are the rules of the game. When it sees bad measures proposed and good measures rejected, it does not accept the apology, that such are the means by which a bad government is to be frightened out or starved out. It does not choose to be misgoverned in order to prevent misgovernment.

Such, however, was the course adopted by the legislative body. The Conseil des Anciens, indeed, to which Tronson du Coudray belonged, acted with some prudence. It rejected some of the absurd or ill-timed decrees of the Cinq Cents, and it was saved, by having no initiative, from proposing any itself. The Cinq Cents began by attacking the Government in its most vulnerable point — its finance. The state of the revenue, after five years of civil and external war, and eight of revolutions, was of course deplorable. The fear of a counter-revolution had stopped the sale of the confiscated property: general distress rendered the taxes, direct and indirect, unproductive; public credit was gone, except

that which was to be obtained by making purchases and contracts on credit at extravagant prices; the armies were ill-fed, ill-clothed, and unpaid, except so far as they supported themselves by exactions or rapine. Under such circumstances the Cinq Cents refused to sanction any further taxes, and required the produce of those which existed to be paid into the hands of commissioners appointed by itself, and to be applied in payment, not of the most urgent demands, but of those intitled to legal priority. It forbade the notes issued by the Treasury to be accepted in payment for the national property. It would not allow the growing produce of the taxes to be discounted; it would not allow the ordinary revenue to be applied to extraordinary expenses, or the extraordinary revenue to ordinary ones; it intercepted a sum of money which Bonaparte had sent direct to Toulon from the funds of the army of Italy, in the hope of expediting some necessary supplies. In quiet times such interference would have been merely vexatious and inconvenient. At a period of distress and struggle it was ruinous. Some of these propositions were rejected by the Conseil des Anciens, chiefly through the influence of Tronson du Coudray, but what passed was enough seriously to aggravate the existing pecuniary difficulties.

From the purse the Opposition proceeded to the sword. They proposed to give an appeal to the Legislature from the Executive to military men dismissed or degraded; they proposed that the National Guard, instead of comprehending, according to the Republican theory, all capable of military service, should be an elected and comparatively small body, drawn almost exclusively from the middle and higher classes, in which anti-revolutionary opinions predominated. They proposed a law nominally to define the responsibility of the executive power and of its ministers, but really to increase the punishment of any illegal act and to facilitate the proof; and to complete the parallel between their conduct and that of the leaders of the National Assembly of 1851, they proposed that the guard of the Legislature should be increased by the addition of cavalry and artillery, and put under the direct command of the Inspecteurs de la Salle du Corps Legislatif, whose functions were nearly the same as those of the modern Questors. As the Constitution forbade the presence of any regular troops within twenty-five miles of Paris, except on the express requisition of the Legislature, this measure, and the proposed reconstruction of the National Guard, would have given to the anti-revolutionary party the military command of Paris. Animated by the contest, they ventured on still more dangerous ground:

they proposed to take into consideration the events in Genoa and in Venice, and to inquire under what circumstances, and by whose authority, a French army had overturned the two most ancient and most glorious governments of Italy.

The Directory had recourse to the expedient which naturally suggests itself to a continental government when attacked by a parliamentary majority. They resolved to crush their opponents by force. It was obvious, indeed, that such conduct involved the destruction of Republican institutions; for the only force which they could call on was the army, and when once the army had been called on — when once a military body had subdued the representatives of the people, — nothing would remain but to submit, sooner or later, to the dictatorship of the chief whom the army should think fit to adopt. But they could obtain an immediate triumph: they could obtain a few months, perhaps a few years, of supreme unresisted power; and when at last they should have to surrender, they might justly hope to be better treated by an usurping soldier than by a restored monarch. They turned, therefore, towards the armies. It was easy to persuade the soldiers, for, in fact, it was true, that the financial measures of the Legislature had contributed to the penury under which they were suffering. It was equally easy to persuade them, for it was also true, that a portion of the Legislature were striving to restore the monarchy. As for the Generals, Hoche, who commanded the army of the Sambre-et-Meuse, had been insulted, in the *Cinq Cents*, by a wanton imputation of embezzlement; Moreau, who commanded the army of the Rhine, had been kept inactive by the want of supplies; Bonaparte had been threatened with impeachment for his treatment of Genoa and Venice; and all were furious at the prospect of a restoration, which would degrade them from what were then the highest positions in France — almost in Europe — to be the subjects of a Court, to have to solicit its favours, and, indeed, to implore its pardon. Nothing was easier than to apply a torch to such materials. On the first signal of the Government, addresses from the armies to the Directory, and from one army to another, poured in. The violence, we may say, the ferocity, of these military state papers is an amusing contrast to the measured language of civil diplomacy. We extract as a sample a portion of the address which was forwarded from Augereau's division, then forming a part of the army of Italy: —

‘Conspirators! you wish, then, for war. You shall have it; you rascals, you shall have it. But do you doubt the result? What have you to hope in such a contest? You have, it is true, on your side, numbers, cunning, and treachery. But

‘you are cowards, and you are defenceless. We have arms, and virtue, and courage; the recollections of victory, and the enthusiasm of liberty. And you, the wretched instruments of the crimes of your masters, — you, who hate us for having protected your properties and your frontiers; — you, who have rewarded us with contempt and penury, tremble! From the Adige or the Rhine to the Seine is but a step; — tremble! Your iniquities are recorded, and their punishment is on the points of our bayonets.’

‘Citizen-Directors!’ said Baraguay d’Hillier’s division, ‘We swear before you eternal hatred against the factious, and eternal war against the Royalists. Rely on our fidelity and our zeal. Our bayonets will always defend you from all enemies, without or within.’

Encouraged by these addresses, the Directory ventured on a decisive move. They ordered a body of 27,000 men, a part of the army of the Sambre-et-Meuse, to march on Paris. On the 26 Messidor (14th July), the first column reached La Ferté Alais, about twenty-five miles from Paris, and therefore within the circle from which the Constitution excluded all regular troops, except when expressly demanded by the Legislature.

The Legislature, of course, asked the Directory for an explanation or an excuse, and on the 22 Thermidor (9th of August), the Directory made their answer. The presence of the troops within the forbidden circle was attributed to the ignorance of the officer in command. His orders were to march from the Rhine to Brest; this was the shortest road, and he was not aware of the constitutional prohibition. As to the addresses from the army, the Directory deplored them, but deplored still more their causes. These, they said, were the want of supplies, the arrears of pay, the insolence of the returned emigrants, the priests, and the journalists, and the contempt shown towards the armies and towards Republican institutions.

‘We trust,’ they continued, ‘that we shall save France from the ruin with which she is threatened, and extinguish the torches of civil war, though they are lighted by those who are supposed to be the guardians of peace. But while we are resolved to face the danger, we will not conceal it. We will tear the veil from the conspirators who are determined, by fraud or by force, to overthrow the Republican constitution, and to plunge France into the horrors of a fresh revolution.’

This was a declaration of war. The Anciens threw on Tronson du Coudray the task of drawing up the counter-declaration, and on the 20th of August (3 Fructidor), he presented his

memorable report, the last independent state paper which was to appear in France for nearly seventeen years.

‘We have been fighting,’ it began, ‘for liberty during eight years, and we now seem to be almost in the arms of despotism. Not the despotism of the throne which we overthrew on the 14th of July, not the despotism of the scaffold which disappeared on the 9 Thermidor, but the more formidable, because the more permanent, despotism of the sword. A political party has called for the assistance of the army. Are they so blind as to think that freedom can survive a military interference? Most truly has the Constitution said, “the duty of the army is to obey,—it cannot deliberate.” Every military quality, in fact, is incompatible with deliberation, and even with discussion. His ardour, his enthusiasm, the habit of obeying the orders and following the example of his leaders, the recklessness of the camp and the intoxication of success,—all unite to render the soldier impetuous and unreflecting. He is violent while he debates, and headstrong as soon as he has decided. A few sentences from the chief whom he has been accustomed to adore convert him into a blind but furious instrument. It is thus that republics perish,—it is thus that he who was only a general in the camp became an emperor in the forum. It is thus that emperor after emperor fell, and that the destinies of the civilised world came to depend on the result of a mutiny among the prætorian cohorts. Directors, have you ever thought on the fall of those who have had recourse to such assistance? Have you ever measured the interval between their triumph and their ruin? We know that you would not wish to survive the liberty of France,—we know that you will perish in its defence, as we shall have perished before you. But how different will be our dying moments. We shall die for a cause which we have embraced, well knowing its danger, and looking on that danger with calmness. We shall quit life with indifference, because we value it only at what it is worth, and because we know that our names will be honoured by a grateful posterity. You will feel that the blood of your fellow-countrymen has flowed as well as your own, that your own hand has lighted the conflagration which has destroyed you, that your names, Republicans as you call yourselves, will always be associated with the birth of despotism.’\*

The denunciations of Tronson du Coudray had the usual fate of political prophecies. The Directors cared far more for

an immediate triumph than for a danger which they probably thought remote. They put the garrison of Paris, amounting to about 10,000 men, under the command of Augereau, the general whose division had joined in the most violent addresses against the Legislature, they placed as a reserve a large portion of the army commanded by Hoche on the edge of the constitutional circle of twenty-five miles, and they borrowed from Hoche himself 50,000 francs, his wife's fortune, to be employed in corrupting the 1200 men who formed the ordinary guard of the Legislature. Of these preparations the two first were of course notorious. It was obvious that the Directory intended to employ force. A speech of Talleyrand's was quoted. With his usual perspicacity and his usual indifference he said, 'The plan of attack is laid, and must succeed. The Councils have only one course to take,—to surrender at discretion.'

The Legislature seen now, for the first time, to have considered what were their means of resistance. Thibaudeau has described two of the meetings at which the heads of the Opposition held councils of war. They were convoked at Tronson du Coudray's. Among those present were Simcon, the president of the Cinq Cents, and Lafond Ladebat, president of the Anciens, Portalis, and Pichegru. The imminence of the danger was admitted. It was certain that La Reviellere had declared that the sword was now the only arbiter; it was probable that the day on which the leading members of the Opposition were to be arrested was fixed. Portalis and Du Coudray proposed to accuse the three conspiring directors of high treason, to suspend them in their functions, direct them to be arrested, and, if they resisted, declare them *hors la loi*. Thibaudeau asked what was their physical force to execute such purposes. 'The Guard of the Legislature, a portion of the 11th Regiment, and the National Guard, when organised,' was the answer. But even the law under which the National Guard was to be called out had not passed. In the meantime it was proposed to send out into each of the twelve arrondissements of Paris twenty-five men from the guard of the Legislature, to form little military centres, round which the anti-republican *bourgeoisie* might rally. Pichegru, the soldier of the party, showed the weakness of such resources, and at the second meeting it was decided that they had no present means of employing force, and must therefore wait until they were provided with their National Guard. 'We parted,' says Thibaudeau, 'as men who were not to meet again. "I could not sleep, and amused myself by drawing a picture of our situation."—"Our struggles," it records, "are as fruitless as those of a sick man on his bed. Ruin has sur-

“rounded us, and is pressing us more and more closely every day. We speak boldly from the Tribune, but all our courage is assumed. The Directory treats us with the contempt which is due to weakness; it knows that immediate despotism is within its grasp, and it cares not what may follow. The legislative body will not attack, it will not resist, it will lie down to be trampled on. What do I advise? — Nothing. The triumph of crime is at hand. Republicans have only to draw round them their cloaks and fall decorously.”

Schiller compares the state of Brussels, during the anxious interval between the entry of Alva and the beginning of his persecution, to that of a man who has just emptied a cup of poison, and is waiting for the first symptoms of its working. Such, too, was the state of Du Coudray and of his friends. An enemy whom they could neither escape nor resist was watching for the most convenient opportunity to spring on them.

Barras, to whom La Reviellere and Rewbell had entrusted the enterprise, at first proposed to act on the 16 Fructidor; but this was the 2nd of September,—a date associated with too much horror to be selected for another insurrection.

On the morning of the 17th the Directors met as usual. At four, when they rose, Barras took La Reviellere and Rewbell aside, and told them that the time was come, and that Augereau had his orders. The ministers were now summoned to Rewbell's apartment; the three Directors joined them there; sentinels were placed at the doors and windows to prevent egress or communication; and they waited the result.

At midnight Augereau surrounded the Tuileries with his troops. The guard, partly bribed and partly intimidated, gave up their posts without resistance. A detachment was sent to seize the two opposing directors; Barthélemy was taken in bed, Carnot escaped through the garden of the Luxembourg. So silently had all been done, that on the morning of the 18th Fructidor, many of the obnoxious members went as usual to their respective halls in the Tuileries, and were arrested as they entered the building; others, among whom was Tronson du Coudray, after having been driven from the Tuileries were seized in a house in which they had met to deliberate and protest: all were sent to the Temple. The remnant of the two legislative bodies, deprived of all those to whom they owed their vigour, or courage, or intelligence, met to ratify the violence of the night and of the morning, to re-enact with aggravations the laws of the 3rd Brumaire, to extinguish the liberty of the press, and to sentence to transportation for life the two directors,

Carnot and Barthélemy, all the proprietors, publishers, and editors of forty-two newspapers, and more than fifty of the most eminent members of the Legislature, among whom was of course Tronson du Coudray.

Barthélemy, Tronson du Coudray, Pichegru, and thirteen others, as the most important victims, were sent off the very same evening towards Rochefort on their road to the tropical marshes of Guiana. They were carried in what were called, and indeed really were, *cages de fer*; that is to say, carts surmounted by an iron grating instead of a tilt, with one small iron door closed by a padlock. The journey lasted thirteen days. The prisoners passed the nights in the frightful dungeons which disgrace the provinces of France. They passed the days exposed to the brutalities of their escort and of the low revolutionary populace of the towns, to whose outrages they were pointed out as royalists and traitors. Once Du Coudray's patience seems to have been worn out. It was as they were passing through Etampes, one of the principal towns of a department in which, not two years before, he had been returned by a triumphal majority. 'Yés,' he cried to the crowd that was insulting him, 'it is I, it is your representative, whom you see in this iron cage; it is I, whom you sent to defend your rights, and it is in my person that they are violated. They are dragging me to the place of punishment, untried, unaccused. My crime is, that I have protected liberty and property, that I have striven to restore peace to the country and the soldier to his family; that I have kept my oath to the Constitution. These are the crimes for which you league with the Government to torture me.'

The voyage lasted seven weeks, and appears to have resembled the celebrated middle passage of the slave trade, except that the sufferings of the negroes were the result merely of the indifference of the slave traders to the misery of their cargo, those of the *déportés* were intentionally inflicted. To want of space and want of air was added want of food. By the eighth day only three out of the sixteen were able to stand, and it is difficult, when we read the journal of Ramel, to understand how any of them reached Cayenne alive.

The coast of French Guiana is among the most unhealthy portions of the globe. It is alluvial, intersected by almost a network of sluggish rivers, covered with rank vegetation, infested even beyond the average of that coast by the flying and creeping and crawling pests of tropical jungles, streams and marshes, and enjoys no variation of season, except that the heat



is accompanied by constant drought for one half of the year, and by constant rain for the other half.

The prison selected for the exiles was the fort of Sinnamary, situated on the river of that name, about seventy miles from the town of Cayenne. It is a solitary square wooden building, about 140 yards each way, surrounded by a deep and wide ditch. Before it runs the river, immediately behind and on each side is an impenetrable forest. In the court-yard were eight huts, built to serve as prisons for the negroes. One of them was occupied by the Terrorist Billaud-Varennes, who had been transported some months before. The new comers were distributed in the seven that remained. Tronson du Coudray had for his companions, Lafond, the ex-president of the Conseil des Anciens, and Barthélemy, the ex-director.

The first who sank under the climate was General de Murinais. His health, indeed, had been destroyed by the hardships of the voyage. He was a man of high character and family, whose crime was that he belonged to the majority of the Conseil des Anciens, and was one of its inspectors. Tronson du Coudray pronounced his funeral eulogium: Ramel tells us that it drew tears from the garrison and the negroes. A strong testimony to its eloquence was an order from Jeannot, the governor, a nephew of Danton's, that whoever in future tried to excite compassion for the *déportés* should be instantly shot.

The next victim was Bourdon de l'Oise, the hero of the 9th Thermidor, to whose courage and decision it was owing that the Directors themselves were not bound to the plank of the guillotine.

A few days after, the fever of the country seized Tronson du Coudray. He appears to have borne his imprisonment more impatiently than his companions. He did not, says Ramel, complain of his physical sufferings, but of the manner in which they had been inflicted. The illegality and violence of the *coup d'état* affected him more than its cruelty. He was always crying out for a trial and a judge; and, even in his last illness, was as much irritated by the injustice of his treatment as he had been on the first night that he spent in the Temple. His friends, however, persuaded him to apply to be removed to the hospital of Cayenne. The governor's answer is so characteristic of the feelings and language of the Revolutionary proconsuls that we insert it verbatim:—

‘Je ne sais pourquoi ces messieurs ne cessent de m'importuner. Ils doivent savoir qu'ils n'ont pas été envoyés à Sinnamary pour vivre éternellement.’

He died on the 27th of May, 1798, six months after his arri-

val at Sinnamary, about seventeen months before the base despotism of the Directory made way for the glorious despotism of the Consulate. When that event recalled the exiles from Sinnamary, only two were found there ;—Barbé-Marbois and Lafond-Ladebat. Eight had escaped almost miraculously in an open boat; the rest had died.

More than half a century has passed since this tragedy was enacted on the shores of French Guiana. It is now to be repeated on a much grander scale. Among the defects of character which must destroy, at no distant period, the present tyrant of France, one of the most certainly fatal is the want of originality. He is essentially a copyist. He can originate nothing ; his opinions, his theories, his maxims, even his plots, all are borrowed, either from the Convention or from the Directory, or from a still more dangerous model — from a man who, though he possessed genius and industry, such as are not seen coupled, or indeed single, once in a thousand years, yet ruined himself by the extravagance of his attempts. It would be well for him if he could utterly forget the whole history of the Revolution. He might then trust to his own sense or to that of his advisers. It is true that neither the one nor the other would be a good guide, but either would probably lead him into fewer dangers than a blind imitation of what was done fifty or sixty years ago, by men very unlike him, and in a state of society, both in France and in Europe, very unlike any thing which now exists.

In the meantime, like all bad imitators, he exaggerates all that is monstrous in his monstrous originals. The 2nd of December was a parody of the 18th Fructidor, only in larger proportions. Instead of 10,000 troops, which was the whole force of Augereau, Louis Napoleon occupied Paris with about 60,000. The Directory, on that night, arrested sixteen of their opponents ; Louis Napoleon, seventy-eight. The whole number of persons whom the Directory sent to Guiana was 335. Those whom Louis Napoleon has seized, and has either already sent away or detains in the frightful prisons of Rochefort and Brest, and the other ports on the Atlantic, are already counted by thousands : the lowest estimate that we have heard is 8000 ; the highest 12,000 ; and we believe the latter to be the nearer to the truth. A single department, the Nièvre, has furnished more than a thousand. A traveller through the middle of France in the latter part of February, found the roads swarming with prisoners on their way to the coast. Some in long strings on foot, others piled together in diligences, in caleches, and in carts. The Directory published the names of their victims ; those of

Louis Napoleon are known only to himself or to his agents; among them may be many of the persons supposed to have perished in the massacre of the 5th of December. All that is known is, that about 3200 have since disappeared from Paris: they may have been killed on the Boulevards, and thrown into the large pits in which those who fell on that day were promiscuously interred; they may have been among the hundreds who were put to death in the court-yards of the barracks, or in the subterraneous passages of the Tuileries; they may be in the *casemates* of Fort Bicêtre or in the *bagues* of Rochefort, or they may be at sea on their way to Cayenne.

The story of one we will relate, for we know it. It is that of Hippolyte Magen, the young author of the successful tragedy of 'Spartacus.' He was arrested on the 2nd of December, but his friends were told not to make themselves uneasy; that his liberal opinions were known, and that he was imprisoned merely to prevent his compromising himself. Week, however, after week went on, during which his place of confinement, the *casemates* of Fort Bicêtre, was gradually filled with 3000 prisoners. His friends were thinking with great anxiety of the influence which the cold of a Parisian winter, endured in damp dark vaults, and the pestilential air produced by the crowds which have been thrust into them, might produce on a constitution unaccustomed to hardship. At length they found that he had quitted Fort Bicêtre, but that he had quitted it on his road to Cayenne. Untried, indeed unaccused; but sentenced to a death in comparison of which the Noyades were merciful. Those who are shocked only by the arbitrary violence of the deportations, — who see in them only the exile of 10,000 persons, without public, or, as far as we know, without even private inquiry, on the evidence of secret informers, probably the private enemies, or the debtors, or perhaps the heirs of those whom they denounce; — those who see only this, horrible as it is, see only a portion of the horrors that are going on. They see their injustice and their oppression, but only a part of their cruelty. Even if Cayenne were prepared for the reception of the *deportés*, — if there were barracks or even prisons to lodge them, wholesome food to support them, and the other provisions made for them which are necessary to the existence of an European under the tropics, the climate alone would destroy them. The whole number of those who were transported to Cayenne in the end of 1797 and 1798 was only 335. So small a number was easily provided for. Yet of those 335 there were living in 1800 only 115, including 23 who had escaped soon after their arrival. Of the 312 who remained in the colony, 210 died in two years.

What will be the result when thousands are thrown at once into a country of which the old inhabitants will be scarcely more numerous than the strangers? The *deportés* are sent, not to exile, but to death.

The grief with which England contemplates the calamities of France is mixed with surprise. It is difficult to understand how a nation so jealous of authority, so impatient of control, and so careless of life, submits to an oppression of which there is no other example on this side of the Alps: to an oppression of which the European models exist only in Rome or Naples. We believe that the explanation is to be found in the terror inspired by deportation. Men who would affront the guillotine or the musket-ball shrink from the slow torture of the crowded convict ship and the pestilential prison. We have already stated that the number of persons undergoing or sentenced by these cruelties is believed to exceed 10,000. A hundred thousand more are supposed to be in the vaults and *casemates* which the French dignify with the name of prisons — often piled, crammed, and wedged together so closely that they can scarcely change their positions. This is about one in ninety of the adult males of France. This is as if in England four persons were seized in every parish. Over every one of these prisoners deportation is suspended. It is suspended indeed over the head of every Frenchman. We have before us a few of the proclamations of the prefets and generals, each of whom seems, like a Turkish pasha, to have within his district supreme legislative and executive power.

Thus, M. Pietri, the prefet of the Haute Garonne, declares that every person present at any meeting not authorised by M. Pietri himself shall be held to be a member of a secret society, and punishable as such.

That every one who in a commune in which he is not resident disseminates any political opinions [*se livre a une propagande quelconque*], shall be held a promoter of civil war.

The prefet of Valenciennes declares enemies of the country all who suggest doubts as to the sincerity [*loyauté*] of the Government, or of any of its acts.

The prefet of the Bas Rhin orders the arrest of all who distribute negative voting papers.

General d'Alphonse, the commander-in-chief in the department of the Cher, subjects to military execution —

Every person interfering in an election in a commune in which he does not reside.

Also every person spreading rumours or suggesting doubts tending to unsettle people's minds [*inquieter les esprits*].

The prefet of Bordeaux subjects to the same punishment all persons carrying weapons, unless specially authorised.

Also all persons distributing [col-portant] printed or written papers.

Also all persons who assist, or receive, or even supply with food, any persons pursued by the authorities.

For this last crime, we see in a Lyons paper of the 30th December, that one Brun was sentenced to ten years', and one Astier to twenty years', imprisonment in irons.

The natural result of such a tyranny is either a sudden and universal insurrection, or silent abject submission. There can be no middle course. The French have preferred the latter. They are bold, but not resolute. They are violent and impetuous, but not enthusiastic. The audacity with which the mob has from time to time risen against the garrison of Paris, murdered its outposts, stormed its barracks, and repulsed its assaults, is the fruit not so much of any love of freedom, or hatred of despotism, as of indifference to what they were hazarding. A life alternating between toil, vice, and debauchery, endeared by few social sympathies, ennobled by no ulterior object, a mere struggle for existence and amusement, is readily risked, because it is scarcely worth preserving. The *émeutier* gambles with it, as he is ready to gamble with any thing else that he possesses; if he wins, he has a week or two of triumph and boasting and importance; if he falls, his troubles are over, and he quits a world in which he had to suffer far more than to enjoy. Such insurgents may sweep away by a sudden assault an unprepared or inadequate regular force. For one day, for two days, and it may be for three, they can repel from their barricades even a considerable army, but they are unfit for prolonged civil war. They want skill, they want combination, and, above all, they want pertinacity. As long as the army remains Napoleonist we hope nothing from the people. But that army is changed by one-seventh every year. Every year 60,000 conscripts join it, taken from the people, participating in its fears and its hatreds. How many of these will be the relations, or the friends, or at least the acquaintances, of those who have died or have been ruined in fortune or in health, or in both, in Louis Napoleon's dungeons or transports, or penal settlements? His prisoners are of course selected from among the most active and most influential members of their own circles. The heads of secret societies, the leaders of associated workmen, the village patriots, or at least the village demagogues, are just the victims whom a jealous tyrant would seize, and whose seizure would produce the deepest and widest discontent. With this dis-

content the army must every year sympathise more extensively, as every year a larger and larger proportion of its members will consist of those who, when they joined it, were in a state of irritation and disaffection. And it is obvious that when once he loses the support of the army, he is gone.

---

ART. II.—1. *The Scheme of Secular Education proposed by the National Public Schools' Association, compared with the Manchester and Salford Borough Bill.*

2. *Some Thoughts about the School of the Future.* By the Rev. F. B. ZINCKE. London: 1852.

3. *The Educational Almanac for 1852.*

4. *Hints on an Improved and Self-paying System of National Education.* By the Rev. RICHARD DAWES, Dean of Hereford.

WE are inclined to think that the Education Question might be brought more within the reach of settlement than at this moment it seems to be, if, instead of advocating theories which in the present state of society are impracticable, or looking abroad for models such as few Englishmen care to follow, the leaders of parties would condescend to open the book of experience, which, though not yet covered with the cobwebs of ages, lies at their own door, and will quite repay the labour of consulting it. We express ourselves thus, because we should be loth to distrust the honesty of purpose by which they equally profess to be guided. Even Archdeacon Denison, puerile as many of his notions are, so far commands our respect, that we believe him to be sincere in his advocacy of them; while wiser men than he have become manifestly desirous of narrowing the space which has heretofore divided them, and of meeting, if it be possible, upon common ground. Consider, for example, the present aspect of the controversy between the Lancaster National School Association and the promoters of the Manchester and Salford Scheme, and compare it with what it was only twelve months ago. You cannot say now, as you might have said then, that it is any question concerning religious instruction which keeps them apart. The men of Lancaster no longer prohibit the reading of the Scriptures in their schools. They give, on the contrary, a ready sanction to this or to any other method of religious instruction, which the managing committees may prefer: indeed, it appears to us, that they refrain from enforcing such instruction, only because they are unwilling to accomplish by rule

that which they are satisfied that the people of their own accord will desire to have done. Meanwhile Manchester and Salford, assuming that education would not be acceptable to the people unless it were based upon religion, make religious instruction a *sine quâ non* in their curriculum. They do not, however, restrict it to such a routine as either the Church of England, or the Church of Rome, or any particular Non-conformist communion shall select. By no means. Schools resorted to by the children of Churchmen, superintended by Church Committees, and maintained out of Church contributions, are permitted, or rather required, to instruct religiously, according to the Church's formularies; while Romanists educate in Romish doctrines, and Protestant Non-conformists of every denomination, each in agreement with the dogmas which it inculcates. Now really, except so far as the one enjoins what the other is content to permit, we can discover no very wide difference, on religious grounds, between the fundamental principles of the rival associations. And as to other matters, have not both equally thrown the theory of voluntarism overboard? Are they not alike convinced, that if the people are to be educated at all, funds for the accomplishment of so important a work must be provided by some surer and steadier process than the circulation of the begging-box? We cannot, therefore, but encourage a hope, that as far as these belligerents are concerned, the war waged up to a certain point will not be continued *à outrance*. For with all their blunders both in politics and philanthropy,—and in our opinion they have committed many,—we think too well of the practical good sense of the leaders in the Lancaster scheme to doubt, that rather than risk the loss of an Education Bill altogether, they will postpone their own crotchet, at least for the present; and accept and support, next Session of Parliament, the measure of their rivals, if it be only in order to establish a principle which is common to both. Still the question recurs, why go to Parliament at all for a bill, or for bills, founded upon mere speculation, or the usages of foreign lands? Why not look round for some institution or system, not in America, nor yet in Holland, much less in France or in Belgium, but at home, which has over-ridden difficulties from which the workers out of systems usually shrink; and if they find that it does its work well, why not adopt it in whole, or so alter and enlarge it, as to render it suitable to the wants of the nation at large? We beg to assure them that such a machine is even now in full play, though it may have heretofore attracted less attention than it deserves.

And here, in anticipation of any possible reference to the

National School System which has accomplished so much for Ireland, we are constrained, at the outset, to express our conviction that it is quite unsuited to the religious and political condition of England. The Irish are essentially a Roman Catholic people; they have not only no particular predilection for the *ipsissima verba* of Scripture, but they prefer being taught the substance of what Scripture reveals,—by the priests, and through the medium of books stamped with the priests' approval. The judicious men who concocted the Irish scheme, and compiled the text-books which form an essential ingredient in it, accomplished immense good. They contrived to intersperse among geographic and scientific details, extracts from Scripture, on the whole faithfully and skilfully rendered: every one of which sets forth the excellency of moral virtue, and expresses not alone the depravity, but the evil consequences, of vice. But it is exactly in its mode of handling this matter, that the Irish system, interwoven as it is with the Irish class-books, must fail to meet the wishes and the wants of the people of this country. England is essentially a Protestant country. Its inhabitants desire to drink their religious knowledge from the fountain-head. Neither Churchmen nor Protestant Non-conformists would be content to receive as divinely revealed, doctrines or precepts communicated to them on any other authority than that of the Bible: indeed, we question whether English Romanists themselves are not equally jealous of the authority of the Sacred Volume, however willing they may be to accept the interpretation of certain portions of it which the Church has sanctioned. But however this may be, it would not be just,—indeed we may go further, it is manifestly impossible,—to force upon a people essentially Protestant, the school-system or the school-books which do excellent service among a people essentially Romish. Still who will assert that a law of expediency, which has been applied to good effect in the case of the one country, ought not to be applied in that of the other? In Romish Ireland you require the Protestant minority to be satisfied with just as much of biblical instruction in their week-day schools, as the Romish majority will bear. You do not, indeed, offer violence to the conscience of either party. They are alike free to attend or to avoid the schools which Government has established and the Country supports. But you very properly refuse to such as reject your system, all participation in the endowments which have been granted to it, and to it alone. What is there to prevent your adopting, *mutatis mutandis*, a similar principle of action in your dealings with the Protestant majority and the Romish minority in England? For a scheme to be national, must accord with the genius, the temper,



the habits, and desires of the great body of the people which compose the nation. And, whatever Mr. Denison or his friends may say to the contrary, there is no diversity of opinion among the Protestant inhabitants of England in regard to the source whence all religious instruction ought to be derived. Whether they worship in the cathedral or the conventicle, they hold that Scripture is the only standard of Divine truth, and will not of their own accord desire that the consciences of their children should be enslaved, by the compulsory annexation thereto, as a class-book in their week-day schools, of any other compendium of faith and moral duty, however skilfully drawn up, or reconcilable, by logical process, to the Sacred Text. Are we speaking at random in regard to this fact? Nothing of the sort. The experiment has been tried; it is at this moment in progress; and the results, as far as we have yet been able to trace them, fully bear us out in our opinion.

Some time in the summer of 1846, two gentlemen met on the deck of a river steam-boat, which was plying its usual course from the Nine Elms Pier to Hungerford Market. One was the late Lord Ashburton, better known to the monied and political world as Mr. Alexander Baring; the other was the Rev. G. R. Gleig, now Chaplain-General of Her Majesty's Forces, and Inspector-General of Military Schools. There had occurred not long previously some modifications in Sir Robert Peel's government, by which the present Lord Ashburton, then Mr. B. Baring, was transferred from the Board of Control to the Pay Office. The two passengers by the steam-boat touched many other topics of conversation upon this event, when Lord Ashburton remarked, that this son, though he could not refuse the advancement which had been pressed upon him, was little pleased with his change of office; because as Secretary to the Board of Control, he had been always engaged in important affairs of State, whereas at the Pay Office there was only routine business to attend to, and not very much of that. 'Does Mr. Baring really desire to undertake a great and a difficult work?' 'Certainly,' was the answer, 'provided it be a useful one.' 'A useful work,' and a great one too, even if it do not prove, as we anticipate that it will, the forerunner of another greater than itself, was immediately suggested.

Whatever may be thought of the military talents and statesmanlike opinions of the late Duke of York, nobody can deny that he was a kind-hearted and amiable man. He did great things for the army during his reign as commander-in-chief: and has a right to the merit of having established, as a place of refuge for the orphans of soldiers, the Royal Military Asylum at Chelsea.

It was intended to be a home for these children, in every sense of the word, till they should attain the age of fourteen, when the boys were either to be apprenticed out to trades, or enlisted — while, for the girls, situations should be found as domestic servants, or in factories. But, besides clothing, feeding, and otherwise taking care of them, it was determined to educate both classes after the most approved fashion: and Dr. Bell, being then in the height of his popularity, organised the school, and watched over it anxiously. Finally, the desire to educate grew with what it fed on. No sooner were the Asylum children taught to repeat by rote so many words in the hour without understanding them, than His Royal Highness determined to extend a similar boon to the children of soldiers actually serving; and one or more non-commissioned officers from each corps being transferred to Chelsea, learned there all that Dr. Bell undertook to teach, and went back again to communicate the results of their training to their regiments.

Time passed, and year by year, the Commissioners of the Asylum entered in their minute-book, records of the flourishing state of the institution. The masters and mistresses were described as attentive and able; the general discipline was mild; the children were healthy, happy, and of good report; the system, as regarded both nurture and education, was perfect. It is true, that on the female side of the house, things occasionally went wrong. Comparatively few of the girls reared there turned out well; indeed, the sore became at last so malignant, that the Commissioners quietly resolved among themselves to receive no more female children into the place. But boys continued to be admitted, though in progressively diminishing numbers, down to the period of which we now write; and there could be no doubt, taking the minute-book as an authority, that their lot was in every respect an enviable one.

There are people in the world who have an awkward trick of distrusting even official documents. The teachers in the Asylum were known to be discharged sergeants, who frequented the low public-houses that abound in that locality, and whose manner of expressing themselves in common conversation was not such as to create a very lively impression of their aptitude to communicate to others either literary tastes or urbanity of manners. A glance within the rails, likewise, exhibited a set of poor, thin, wanfaced, spiritless-looking children, many of whom had their heads covered with black silk caps — a sure token of disease — while not a few wandered about dragging heavy logs which were fastened with chains to their ankles. Such outward and visible signs did not very accurately correspond with

the inward and spiritual grace of which the Commissioners boasted; and doubts of the reality of the latter multiplied themselves. How far these were or were not well-founded, will best appear from the following narrative, which we are enabled to give on the very best authority.

A few days after the conversation in the steam-boat, noticed above, Mr. Baring, then Paymaster-General of the Forces, called upon Mr. Gleig, and the two gentlemen proceeded together to the Asylum. No announcement having been made of their intention to visit the place, they found it in what may be called its every-day dress. It was school-hour, yet to and fro numbers of boys were passing,—along the walks and about the corridors, some laden with baskets of coals, some carrying filthier utensils, some bearing provisions, some sweeping out the colonnade in front of the building. A large wheel was then used for the purpose of raising water, by the process of the forcing-pump, from certain underground tanks to the top of the house. Three or four unfortunate boys were at work upon this wheel, straining beyond their strength, and in constant risk, should they lose their hold, of having their limbs broken; while others, in the kitchen, seemed to be kept to the tether by the not very euphonic oratory of the cook, and an occasional box on the ears. Our visitors, after noticing these things, penetrated through the door-way, and were greeted by sounds of the strangest and most discordant kind. The hoarse harsh voices of men rose, occasionally, above the hubbub of children, both being from time to time drowned in the crash of many ill-tuned instruments. Then would come the sound of a smart blow, followed by a shriek; and succeeded by what startled and shocked as much as either, a brief but profound silence. This was not a very promising commencement of their proper business; but it did not deter the visitors from going through with it. They mounted the stairs, opened the schoolroom door, and became witnesses to a scene which neither of them, we should think, is likely to forget in a hurry. The schoolroom was a huge hall, measuring perhaps sixty or eighty feet in length by thirty in breadth. Two enormous fire-places, so constructed as to consume an immense quantity of fuel without diffusing any proportionate amount of heat, testified to the good intentions of the architect, however little they might vouch for his skill. In other respects the fitting up was meagre enough. A single platform, whither, when the writing lesson came on, the children by classes were supposed to repair, occupied about twenty feet in the middle of the room. All the rest was void, except where chairs stood for the accommodation of the masters; and

cages for the punishment of the boys. For in addition to the cane, which these sergeant-masters appear to have used very freely, they had at their command four instruments of torture, in the shape of iron cages, each occupying a corner of the room. Observe, that these cages were so constructed, as to render it impossible for the little prisoners to stand upright; who were nevertheless required to turn a heavy handle continually; and whose diligence or its opposite was marked by a process, which, if they did not see it, they never failed to feel.

The visitors, if painfully surprised at the ornamental arrangements of this place of study, were still more amazed by beholding its machinery at work. Four or five groups of boys were gathered round as many sergeant-masters, some bawling out sounds, which were not words, though they intended to represent them; some roaring forth arithmetical tables; some repeating the Church catechism at the top of their voices; some conversing, and all shuffling and struggling, among themselves. There was no order, no regularity, no attention: indeed, the latter would have been impossible, inasmuch, as in the very heart of the classes was one, more numerous than the rest, which seemed to be taking lessons on the fiddle. It was altogether one of the strangest, and in spite of other and more bitter feelings, the most ludicrous scenes, which school examiners were probably ever called upon to witness. As to the acquirements of these poor lads, their proficiency proved, on examination, to be exactly such as might have been expected. They had learned nothing. They could not read, they could not write, they could not cipher, they could not spell. They did not know whether Great Britain was an island, or how, if divided from France at all, the two nations were separated. 'We can't help it, Sir,' said one of the sergeant-schoolmasters, when appealed to on the subject of his school. 'We never learned these things ourselves. How can we pretend to teach them?' The Paymaster-General of the Forces had seen enough. He repaired at once to the War Office, over which Mr. Sidney Herbert then presided, and Mr. Gleig being called in as *amicus curiæ*, the work of reform began.

The work of reform is not easy of accomplishment under any circumstances. A proposal to remodel the Asylum amounted, in the present instance, to a vote of censure on Commissioners, commandant, chaplain, doctor, — on every body, in short, who had heretofore been charged with the management of that institution.\* It was resisted, of course, both openly and covertly;

---

\* Our readers must observe, that an entire change of functionaries

but it was carried. In like manner, a project of annexing to the boys' school a normal or training institution for regimental schoolmasters raised a storm in the camp. The Horse Guards became seriously alarmed; the army astounded. What had soldiers to do with book-learning? They did not want people who could read and write,—such were nuisances in the ranks. Mischief enough had been done by the abolition of corporal punishment. If the schoolmaster were brought into cantonments or garrisons, there would be an end of military discipline in a year. The liberal-minded and thoughtful men, who had taken up a wise project, listened patiently to all these remonstrances, and overruled them. The Asylum was remodelled. There was appended to it a training institution for regimental schoolmasters; and the experience of five years has exposed fully, and to the conviction we believe of all parties, the groundlessness of the alarm with which the undertaking was at the outset contemplated. Not only has discipline not been relaxed in the army; it has been braced up. Crime is less frequent than it used to be; men's manners are softened, their very language taking a different tone, in exact proportion to the progress of education among them. And we are happy to say, that to be educated has grown into a fashion. So at least we collect from the evidence of Mr. Fox Maule, the able and indefatigable successor of Mr. Sidney Herbert at the War Office, before the late Committee on Military Expenditure, by which this important subject was very fully investigated.

'Do you find,' asks Sir James Graham, 'that where schoolmasters (meaning schoolmasters trained at Chelsea) have been sent, there is a willingness on the part of the men to avail themselves of the advantages of going to school?'—'To such an extent that the schoolmasters complain that they are overworked, and have no time to themselves; that they cannot overtake the demands made upon them for instruction. The men come to the school in such numbers, and with such a desire for instruction, that we have been obliged, in some instances, to grant the schoolmaster an assistant, for the purpose of overtaking the demands upon him.'

'Then, from your experience, as far as it has gone, your opinion is, that when each regiment shall have had the appointed establishment of instructors, the soldiers generally will avail themselves of that advantage, and that the system of instruction will be complete throughout the British army?'—'I am certain that when the system shall be thoroughly spread over the whole army, there will not be a body of better instructed men in any service in the world than in the British army.'

has taken place since 1846. Commandant, Chaplain, Masters, Doctor, &c., being all of recent appointment.

‘With your knowledge of the British army, have you a confident belief that that instruction will tend to the easy maintenance of discipline without severity?’—‘I am quite certain it will; and what is more, I am quite sure of this, that with the limited enlistment bill, whereby a man can enter the service at eighteen, and, if he pleases, leave it at twenty-eight, he may enter it with all the ignorance that is to be found, either in the towns or in the most ignorant rural districts of England, but he will have an opportunity, of which I believe he will avail himself, (from the great length of time a soldier has on his hands) of making himself a thoroughly well-educated man, fit to find his way in the world, in any capacity.’

‘What is the quality of the instruction provided?’—‘The quality of the instruction is very high. In the first place, it is rudimental for children, and after those rudiments it goes on to history, sacred and of all other descriptions, geography, geometry, arithmetic, mathematics, as high up as algebra, and even into higher branches. It conveys instruction in mensuration and fortification. Those who are capable of being instructed in a short time are instructed at the Military Asylum, to a certain extent, in drawing.’

‘You have sent forth twenty-three masters from the Normal School; have those masters, when sent forth, undergone a strict examination in every branch of knowledge which they are to teach?’—‘They have undergone a strict examination in every branch of knowledge; they are all fit, and they are certified to me by the master of the school, and by the Inspector-General of schools, not only as being perfectly acquainted with all those branches, but as being perfectly competent to teach all those branches.’

So much for the opinion of one who is as competent as most persons to judge of the probable effects, in a moral point of view of education in the army. Let us see next what is said upon the subject by gentlemen actually in command of corps, and belonging, as such to a class, among whom ‘the fear of ‘change’ wrought, as might have been expected, no small tribulation at the outset of the measure.

‘Mr. Mills to the Secretary of War.—Can you state the number of scholars educated in the garrison and regimental schools?’—‘That is not a question I can answer at present; but with reference to that subject I should wish to state shortly in what condition those schools are at present, and I think it a statement which will be very interesting to the Committee. The Training or Normal School in the Royal Military Asylum, Chelsea, was opened in the spring of 1847, with thirty civilian students. In the spring of 1849 five trained masters went out; one to the dépôt for recruits to the Guards, at Croydon, one to Weedon, one to Preston, one to Plymouth, and one to Horfield, near Bristol; all as garrison schoolmasters. In the autumn of 1849, a second batch of seven went out, and were attached to the 13th Regiment at Belfast, the 14th at Newport, the 21st at Edinburgh, the 30th at Manchester, the 40th at Dublin, the

52nd at Preston, and the 93d at Stirling. In the winter of 1849, a third batch of six went out to the 4th regiment at Portsmouth, the 48th at Dublin, the 57th at Enniskillen, the 1st battalion of the 71st at Naas, the 92d at Clonmel, and the 12th Lancers at Cork, respectively. Besides these, trained masters have been appointed to the 19th regiment in Canada, the 72d at Trinidad, and to the 84th and 87th in India. Serjeant Barnes, trained at Chelsea, was removed from the 12th Lancers, discharged, and re-enlisted under the new system, and settled at Balincolig. Wherever a trained master goes, the number of adults attending school increases rapidly. Take, as instance, the 12th, 21st, 28th, 39th and the 40th regiments, where the adult scholars have advanced from a very small figure, to 108, 150, 128, 154, 180, and 171, respectively. Several schoolrooms have been erected, and existing buildings have been adapted to school purposes, in sixteen different stations. As we go on supplying the different stations with convenient places of study, the system will more develop its excellences. The same books and implements are used in all the schools. With reference to the good effects likely to be produced in the ranks from the general adoption of the system, I beg leave to read an extract of a letter from Lieutenant-Colonel Browne of the 21st Fusiliers.

Mr. Hume, 'Of what date is it?'—'I have not got the date, but it is very lately; it is since he received a schoolmaster from the training school. He says, "The schoolmaster is behaving admirably, and the new system of education has already had a visible effect on the regiment in many ways. Many men have been able to fit themselves for promotion, who were previously unable to do so; others have learned to read and write, and have found occupation for time which used to be spent in public houses. It is very popular, and next to the good conduct warrant, is, I think, the greatest boon the army has received since I entered it. Experience has convinced me, that crime diminishes in proportion as men have rational occupation and comfort in their quarters. We have had very few defaulters during the past month, and in six days, none; which is very unusual in a place like Edinburgh, and is, I think, to be attributed to the school, and the occupations attendant on it."—'What force has Colonel Browne?'—'I think the force of the regiment is about 700 men.'

'In the same strain we have letters from Lieutenant-Colonel Stuart of the 13th, from Lieutenant-Colonel Magennis of the 27th, Lieutenant-Colonel Patton of the 12th, from Lieutenant-Colonel Stretton of the 40th, and from Lieutenant-Colonel Spark of the 93d.'

Mr. Maule gave his evidence and quoted his authorities, so long ago as February 1850. Many additional masters have since gone out from Chelsea, and the reports of their proceedings, and of the results attendant on them, do not, as we are given to understand, vary from the preceding. No doubt in regiments, as well as in civil life, much must depend upon the care that is taken of such institutions by those in authority. If commanding and other officers either discountenance the

schools, or, which is quite as injurious, treat them with neglect, it would be absurd to expect that they should flourish. But instances of this sort are, we believe, rare; and hence the success of the system, so far as it has been carried, seems to be complete. We must look a little more closely than we have as yet done into the constitution of these schools, and their consequent fitness for the classes of persons among whom they have been established.

The British army is composed of men taken, generally, from the lower orders of society. With few exceptions our recruits are composed of agricultural labourers and operatives out of work; to whom may be added a small sprinkling of tapsters, clerks, scribes, serving men, and broken down young gentlemen. They come to us from all parts of England, Scotland, and Ireland, and profess as many forms of Christianity as are to be found among the five and twenty millions of human beings which together make up the sum of the population of the United Kingdom. After four or five years' service a large proportion of them marry, and their children are of course brought up in the religious opinions of their parents. So that, upon the whole, you could not find gathered together in any one place, a more perfect epitome of religious England, Scotland, and Ireland than in a regiment of the line. Indeed, if there be any difference between the religious condition of a regiment, and that of a civil community of similar magnitude, the bias is against the regiment. There is a larger proportion of Roman Catholics in our service than you will find anywhere out of Ireland; indeed, the balance of numbers may be said upon the whole to agree very nearly with that presented by the population of the three kingdoms; about one fourth of our soldiers are Romanists, and of the remaining three-fourths, one, if not more, belongs in part to the Church of Scotland, and in part to other denominations not in conformity with the Church of England.

To introduce into a body so constituted an educational system which, without putting in abeyance religious instruction, should yet deal with it in such a manner as to gratify all without offending the prejudices of any, was an undertaking from which timid or bigoted theorists would have shrunk. For they greatly mistake the constitution of the army who suppose, that you can control the religious opinions and practices of the men by word of command. The soldier is quite as sensitive on this head as the civilian; and the authorities, civil and military, under whom he acts, pay (as they ought to do) the utmost deference to his prejudices. Divine worship, our men are indeed required to attend: we trust the time will never come when such a regu-



lation shall be dispensed with: but they are at perfect liberty to choose the particular form under which they shall worship their Maker, and branch off, every Sunday, into parties, according as they happen to be Churchmen, Roman Catholics, or Protestant non-conformists. You could not force sectarian teaching of any kind, or in any place, upon men so circumstanced, or upon their children. Yet the men themselves would reject, especially for their children, any system of education which was avowedly divorced from religious instruction. What has been done? That which we are satisfied might be done in every town, district, and parish throughout the kingdom.

The business of the school—we mean, of the childrens' school—opens every morning in barracks at a quarter before nine o'clock with prayer. This may occupy, perhaps, five minutes, after which the *trained* master reads to his scholars, collected together, a portion of Scripture, and explains it in its grammatical and historical bearing; deducing from the whole such a lesson in moral and religious truth as it seems to convey. He touches, in so doing, upon no topic of sectarian controversy. He has been trained to speak as the Scriptures speak, without casting about for inferences which lie beneath the surface. He tells how men were created,—how they fell,—how the work of redemption was prepared and consummated;—and illustrates the moral and religious duties of the present generation, by referring to the virtues and the vices of Scriptural characters. Moreover, he omits no opportunity,—whether he be giving a lesson in history, in geography, or in natural science,—of directing the attention of his scholars to the power, the wisdom, the justice, and the goodness of God; and it is fair to our grown men to state that they receive such allusions, as often as they occur, quite as submissively and thankfully as the children. But beyond this the schoolmaster is strictly forbidden to go. To the clergymen or ministers who have charge of the troops, is committed the care of seeing that the lambs of their respective flocks are fed on such crumbs of polemical doctrine as appear to them necessary for edification. And it would be unjust towards that respectable body of gentlemen not to add, that in a vast majority of instances they carefully attend to this matter. Subjoined is a copy of the time table, according to which the childrens' schools in our army work.

The children assemble at a quarter to 9 o'clock.

The Master reads a few verses of Scripture, then Prayers.

The Master gives a Bible-lesson to the whole School; at the close of which the children fall off to their classes.

The subjects taught are, besides elementary reading:—

Scripture History.

England.

Colonies.

India.

Greece.

Rome.

France.

Arithmetic, Slate and Mental.

Geography.

Natural History.

Object Lessons.

Grammar: Dictation and Composition.

Writing.

All from Gleig's Series.\*

The school hours for the men necessarily vary according to the demands that duty makes upon their time. Generally speaking, volunteer privates attend from two to four in the afternoon, non-commissioned officers and recruits from four to six, when they are instructed in reading, writing, and arithmetic. But there are extra lessons, especially in the winter evenings, for such as desire to proceed into higher branches, and geography, mathematics, algebra, and fortification are then studied. The same class-books are used in the adult as in the childrens' school; and the master not unfrequently gives lessons in mechanics, natural history, and such like.

We beg the reader's attention to two or three facts connected with these schools. Except in the cases of recruits, who attend, by order, till they are dismissed drill, the whole of the attendance, as well by the adults as by the children, is voluntary. Nobody is forced to go to school, and everybody pays for the instruction which he himself receives. There is, indeed, a graduated scale, which exacts more from the sergeant than from the corporal, more from the corporal than from the private, and more from the private than from his son or daughter; but everybody pays,—the sergeant eight pence, the corporal six-pence, the private soldier four pence, per month. On the same principle, the children pay according to the numbers from each family admitted into school;—one child four pence, two children sixpence, three children, and all above three, eight pence monthly. Of the money so received, two-thirds go to the schoolmaster, over and above his pay from Government, which is 2*s.* 6*d.* a day,—while the remaining third suffices to make

---

\* We recommend this Series of School-books as by far the best which has yet appeared.

good the necessary wear and tear of school materials, the whole of which, with the exception of copy-books, are, at the outset, supplied by the Secretary at War.

At last, then, we have a substantial fact to deal with. Here is a system of education which, though exposed to all the lets and hindrances of which the world has of late heard a great deal too much, works well. By no means passing over those weighty truths on which, and on which alone, both public and private morality can rest secure, it yet manages so to bring them under the notice of the scholars as to elevate the principles of all, without wounding or giving offence to the prejudices of any. Nor does it interfere with, or take the place of, that more dogmatic teaching which Churches and their Ministers have an undoubted right to control. On the contrary, the children trained in regimental schools, under masters qualified morally as well as intellectually to conduct them, are noted for the attention which they pay to the catechising of the minister, whether it take place on Sunday or any other day in the week. And we are not aware of their failing in any instance to profit by it, provided the minister be as earnest as he ought to be in impressing upon them the value of the instruction which he communicates. What is there to prevent the adaptation of this system, modified, of course, in its details, to the acknowledged wants of a nation, composed, like its army, of persons professing many creeds, yet all alike willing to be taught, provided their favourite opinions be dealt with tenderly? Popular prejudice, we shall be told, which, taking the name of popular opinion, would drive from his place any minister who should have the hardihood to take the lead in such an enterprise, or even openly to approve of it. We wish that some minister would pluck up heart of grace to dare the adventure. We are confident that it would prove, like many others, far more perilous in appearance than in reality; we venture to predict that he would both keep his place, and carry his measure.

Of the abstract necessity, in a country like this, where the people are acquiring from day to day increased influence over state affairs, of bringing education within the reach of all classes, nobody will pretend to entertain a doubt. Neither can it be questioned that to render such education beneficial to the commonwealth as well as to individuals, it must be based equally upon the religious as upon the moral and intellectual principle. Man is not a moral and intellectual being merely; he is a religious being also; and any system of instruction which overlooks this fact, or passes by any one of these three fundamental attributes of man's nature, is not only defective *quoad* such

omission, but faulty. An exclusively intellectual education leads, by a very obvious process, to hard-heartedness and the contempt of all moral influences. An exclusively moral education tends to fatuity by the over-excitement of the sensibilities. An exclusively religious education ends in insanity, if it do not take a directly opposite course and lead to atheism. Whatever education, therefore, is offered to the people, and by whomsoever communicated, must, to effect a good purpose, provide for the culture of all these three principles; and certainly the religious principle is to the full as important as either the intellectual or the moral.

But what do we mean when we talk of cultivating the religious principle? Mr. Denison will say that the term implies an excessive dosing of the child's memory with the Catechism, the Liturgy, and the history of the Church of England. Dr. McHale would probably confine his syllabus to an acquaintance with the biographies of the Saints, and an aptitude in stating reasons why the Pope should be honoured as infallible, and the priest regarded as the keeper of the consciences of the laity. The Kirk of Scotland, whether bond or free, clings to its Confession of Faith, with its greater and lesser Catechisms; while among Non-conformists of every class, there are pet topics, and pet forms of speech, which seem to be as important in their eyes,—which are certainly quite as often in their mouths,—as the Sermon on the Mount, or the Ten Commandments. But will any unprejudiced person affirm, that a familiarity with the Church Catechism, however accurate, that a belief in the Pope's supremacy, or the acceptance of any other distinguishing dogma of any sect under the sun, has the smallest tendency to make men God-fearing in their secret thoughts, and therefore sober, chaste, and holy in their outward conversation? The question admits but of one answer. These things may be important, inasmuch as they keep together, from generation to generation, particular Churches, and serve as shibboleths whereby to detect pretenders to Church communion; but on the religious principle, properly so called, their influence is of the most equivocal kind, inasmuch as the solitary purpose served by them is to excite a zeal which not unfrequently degenerates into uncharitableness.

The truth is that we are all, even the least bigoted among us, apt to confound, in our consideration of this subject, the means with the end. Our Church, whatever it may be, is not our religion. It is but the casket within which the jewel lies: and individuals conform to one or another of the many sects into which the Universal Church is divided, solely because they believe that there, more brightly than in the rest, the jewel

shines. But except where a nation is so constituted as to consist wholly and entirely of the members of some particular Church, the Government, if it desire to deal justly by its subjects, ought as much as possible to stand aloof from a too intimate connexion with any of the people's Churches. It may find itself, as our Government does at this day, compelled by the force of circumstances, to acknowledge one as the Church established by law. And in consideration of benefits supposed to accrue to the Constitution from the commingling of Lords Spiritual with Lords Temporal in Parliament, it may continue to carry to the Throne for approval bills passed by the three estates of the realm.\* But apart from these points, which affect the temporal interest more than the spiritual guidance of the realm, even our Government, hampered as in some sort we feel it to be, is bound to maintain a strict neutrality in its dealings with all classes of persons, whatever may be the Church or religious Community to which they belong. The Queen's Government desires of course to see the whole of her Majesty's subjects religious, because without religion there can be no safeguard for honesty, sobriety, and a willing obedience to the laws. But it cannot undertake to teach religion according to any particular form, even though the admirers of that form be, as in England they probably are, equal as regards numbers to the admirers of all other forms put together. For the repeal of the Test and Corporation Acts, with its necessary result, the Roman Catholic Relief Act, exploded for ever the Church and State principle to which our forefathers clung. We have, no doubt, a Church established by law, of which the fabrics are maintained out of local rates, and to the ministers of which their endowments are secured by the self-same process which secures their estates to all other corporate bodies, including the glebes attached to dissenting chapels, and the rents or other revenues of monastic institutions. And this Church is so far in connexion with the State, that its highest court of appeal is that of the Sovereign, acting through a judicial Committee of the Privy Council. But, except so far as the last of these incidents be a privilege (and there are eminent men within the Church itself who look upon it as the very reverse), the Church has nothing to boast of as her own which she does not share with Non-conformists. Her fabrics are indeed, for the present, exclusively maintained at the public expense. We imagine that this will not long continue to be the case, and we doubt whether churchmen themselves desire its continuance. But however this may be, parish churches are so maintained, not on account of the assumed super-excellence of the particular form of Christianity taught within their walls, but

because the original founders of these edifices burdened their estates with the cost of maintaining them; and the land, whether it remain with the descendants of these testators or have changed owners a score of times, has never got rid of this burden, which has by so much diminished its marketable value. What is there in this accident, however, to bind the Church more closely to the State, than either the chapel or the meeting-house? The chapel or the meeting-house, if they who build them so determine by a proper legal instrument, may be kept in repair for all time coming out of lands charged with this burden. And the self-same law which now compels the Non-conformist landowner to repair the parish church, will force the Churchman's children, should such land become theirs by purchase or inheritance, to keep up the chapel or the meeting-house with which their estate is connected. But should we therefore say, that the meeting-house or the monastery is in union with the State?

It appears then, that so far as law is concerned, there is no obligation upon the Government of this country to educate the rising generation in any one form of Christianity rather than in another. The moral obligation, on the other hand, seems to point to a different course. The Government, which is bound to protect all alike, ought to deal impartially with all. It may insist upon the children of the people being educated, and, in justice to itself, to society, and the laws, require that such education shall foster the religious as well as the moral and intellectual principles. But the care of biassing the understanding of individuals towards the church, the chapel, or the conventicle, it must leave to those orders of men, whether clergymen of the Established Church, Romish priests, or Non-conformist ministers, who live by the Gospel, because they undertake to preach the Gospel.

We believe that any minister of the Crown who should be honest enough to enunciate this proposition, and in a manly and fearless spirit endeavour to act up to it, would be supported both in Parliament and by the country far more extensively than is supposed. Who, indeed, are they that deny the abstract justice of the principle? Certainly not the dissenting interest, which, in the British and Foreign School Society, at least, works pretty much up to the point designated in these pages. Certainly not the middle classes of churchmen, shop-keepers, farmers, and so forth, who send their own children to schools, the best within their reach, without stopping to inquire whether they are taught by churchmen or dissenters. Certainly not the poor, who either neglect to educate their children altogether, or seek education for them at any seminary which their employers and benefactors may recommend. And certainly not

the whole body of the clergy. We are not prepared to dispute the fact, that a majority of these gentlemen would resist the motion; or that a considerable portion of the aristocracy might co-operate with them; indeed, there is no hiding the truth from ourselves or from others, that some of the most earnest and true-minded members of the body would probably take the lead in such opposition. But what then? If heads be fairly counted there will be found among the lay members of the Church, a large and intelligent majority in favour of comprehension; while of the clergy, the minority will prove far more considerable than the unobservant imagine. Holy men are usually quiet men. They love to do good in secret. They would rather see religion spread and work out its sanctifying purposes around them, than fight to the death in defence of the Apostolical Succession and Church Supremacy. And all this, in the settled conviction, that these doctrines, if conformable to scriptural truth, as many holy men believe them to be, will receive a readier acceptance from educated and thoughtful persons, than from persons either wholly uninstructed or taught to repeat by rote certain formularies which neither they nor their teachers understand.

We are not going to tax our own and our reader's patience by noticing, one by one, the arguments wherewith Mr. Denison and controversialists of his school endeavour to silence the advocates of a system so little in unison as this with their views of sacerdotal domination. They have been stated and refuted scores of times; indeed they all meet in one point,—namely, that, forasmuch as the commission to teach all nations was given by Christ to his Apostles exclusively, and that Peter, in particular, was charged to 'feed my lambs,' therefore the clergy, being the successors of the Apostles, and the inheritors of St. Peter's plenary powers, are, by an authority to which all human laws ought to subserve, vested with the right of superintending and directing the education of the people. The State, accordingly, if it interfere at all in this matter, is bound to interfere through them; because, without their co-operation, there must either be no religious instruction at all,—which would stamp the whole device as a scheme of Satan,—or religious instruction would be given by unauthorised persons, in contempt of the express will of the Divine Author of Christianity. Now, without stopping to ask for reasons why the clergy of the Church of England are to be regarded as the only legitimate successors of the Apostles in this country, we should be extremely obliged to any member of that body if he would show when, and under what circumstances, the commission to 'teach' first began to be understood in the sense which is here applied to it. For our-

selves, we have always believed it to imply a command to 'preach the Gospel to every creature,' and to do so especially in lands and among people to whom the glad tidings of salvation had not yet reached. We certainly cannot discover, either in the New Testament, or any where else, the smallest indication that Peter, Paul, or Barnabas ever kept a school, or made it his business to superintend the course of study carried on in a school. It is our belief, on the contrary, that the Apostles, and primitive teachers ordained by them, found too much occupation in preaching to pay heed to less urgent affairs; and that, under Divine Providence, their preaching proved effectual, because it was addressed to persons whose understandings had been previously enlarged in Jewish,—many of them in heathen schools,—where the name of Jesus Christ had never been heard. Nor can we discover any evidence which goes to prove that the converts of these preachers either withdrew their children from the ordinary schools of secular learning in their respective neighbourhoods, or that new schools were set on foot under the management of ordained persons, even in Christian communities. In fact, it is not till we come down to the dark ages, that any trace can be discovered of that monopoly of education in the hands of the clergy, to which Mr. Denison now lays claim. Surely Mr. Denison is not prepared to take a precedent from the dark ages; surely he will not contend, that practices forced on by the weight of circumstances, and organised, so far as they went, in times of general barbarism, are either good in themselves, or of Divine institution, and therefore binding upon society, so long as the world endures. Besides, it is an excellent maxim in law, that rights suffered to lie in abeyance beyond a certain number of years cease to be rights. Assuming, therefore, that the clergy of the Middle Ages did establish a monopoly in the business of education, what became of this monopoly after learning revived, and the art of printing brought books within the reach of other than monkish collectors? Nor are there any monuments in England coeval with the Reformation, which speak to the zeal of her reformed clergy in the cause of popular education. No doubt we have our Universities strictly clerical in their system of management, but wholly of Popish origin. We have Eton likewise, and Winchester and Westminster, and the Charter House,—all excellent in their degree, however monastic in many of their arrangements. But what benefits do they confer upon the people? The people scarcely know them by name. What the people wanted three hundred years ago was a parochial system; the endowed school beside the endowed church, the manse and the schoolmaster's house facing each other. And



had there been the same energy and self-devotion south of the Tweed which made themselves conspicuous among the Reformers north of that river, England would have had such a system. But where is it now? It has no existence, nor ever had. The Reformation in England, being a courtly movement, was conducted according to the caprices of a succession of stern monarchs, who thought more of enriching their favourites, than of providing for the education of their people, out of the plunder of the Church. And the clergy, by what influence guided it is not worth while to inquire, failed to defeat — if they ever seriously remonstrated against — so iniquitous a policy.

It appears, then, that this clerical right, granting it to have been established under the papal *régime*, fell into abeyance at the time of the Reformation, and so continued till about fifty years ago. For two centuries and a half, such a thing as a parish school was unheard of from Land's End to Berwick-upon-Tweed. Many endowments for educational purposes emanated, it is true, from the bounty of individuals; and old women professed to do in villages, what schoolmasters, not always better instructed than they, undertook to effect in towns and populous districts. But over these endowed schools the clergy set up no other claim of superintendence than the wills of the founders might have established, while the dames and other teachers taught as they could or as they pleased, without any interference on the part of the clergy. We admit that the bishops had power in those days to shut up any school within their respective dioceses, against which their wrath might be directed. But the licensing process appears to have been regarded on all sides rather as a relic of feudal power than any thing else. When exercised at all, it seems to have been exercised very capriciously. It could prevent the progress of education by hindering private persons from opening schools on their own account, but it operated in no respect as a stimulus to the clergy to promote or encourage the spread of secular knowledge among their parishioners. For two centuries and a half, therefore, the clergy, who now desire to be regarded as the only legitimate directors of popular education in this country, seem to have considered that they had done their part, when their sermons were preached and their Sunday catechisings attended to. What have they done since to justify the claim which their over-zealous advocates now advance for them?

The educational history of the last fifty years presents so little to captivate the imagination or to elevate the hopes, that apart from the consideration that it must be familiar as a household word in the memory of the reader, we could not bring ourselves

to trace it down, even in outline. Begun in a spirit of controversy and uncharitableness, the movement has led to few results on which any right-minded man can look with satisfaction. The Church slept till Joseph Lancaster broke in upon her repose; and then, placing the amiable, but most wearisome, Dr. Bell in her front, she marched forth to do battle. She got together the National Society, which was national only in name. She pledged herself to effect a purpose, sectarian in every sense of the word, and if she have not redeemed the pledge, the power and not the will has fallen short. Nor were other Churches and sects slack in buckling on their armour for a similar purpose. None of these assume so grandiloquent a title as that of which the seat of government is in the sanctuary at Westminster; but many perform their parts with quite as much zeal, and at least equal effect; and all united embrace, perhaps, a sphere of action not greatly more narrow than that on which, through the National Society, the Church operates. What evidence is there in all this, that the right of the clergy to educate the people is reasonable in itself, or that the people show any decided inclination to admit it?

But perhaps there is in the Church system some peculiar excellence; some perfect adaptation of means to an end, which justifies its supporters in claiming for themselves the foremost place, at least, among the educationists of the day. This is possible, but we confess that we have not been able to discover where the supposed excellence lies. The Church scheme, like that of the Wesleyans or the Independents, is eleemosynary throughout. It depends for its continuance from year to year on the voluntary contributions of the generous. The schools in connexion with it, though more numerous perhaps than those of all the other denominations put together, seem to be, at least as much as these in competition with them, subject to constant fluctuations. They rise and fall, flourish and decay, according to circumstances which it is as difficult to foresee, as it is impossible to control them when they occur. Most men grow weary of annual subscriptions, no matter how praiseworthy the object which they are designed to support. Many, as they subscribe grudgingly to a new scheme when it is first proposed, so they seize the earliest opportunity of withdrawing and pronouncing it a failure. Nor is it only because of the uncertain source whence their revenues are derived, that Church schools, — even more than the schools connected with other denominations, — live but from day to day. A great deal depends upon the nature of the instruction communicated, for which there is notoriously no fixed standard. Let

this be of a liberal and practical kind, and let practical men see to it, and a school will flourish in the face of a thousand disadvantages. Let the old hum-drum line be followed, which Dr. Bell and his admirers sketched fifty years ago, and no extent of liberality, as regards money contributions, will long keep the school from sinking. Go to King's Somborne, in Hampshire, and you will find a school projected in 1842 on the voluntary principle, and in 1850 rendered self-supporting. Whence comes this? Because Dr. Dawes, now worthily promoted to the deanery of Hereford, took his own view of what popular education ought to be, and steadily and unswervingly acted up to it. He had the usual resources to count upon; namely, large contributions from his own means, with small support by a few tenant-farmers. He began full of hope and zeal, and he triumphed. He set out with making his school something more than a mill in which reading and spelling might be ground. His course comprehended the elements of all the sciences which contribute by the readiest process to awaken the dormant powers of the mind, and to enlarge its faculties. Geography, natural history, mechanics, mathematics, grammar, natural philosophy, agricultural chemistry, were all taught in his school. He made it a place to which not the labouring poor alone, but tenant-farmers, shopkeepers, and thriving tradesmen, might be glad to send their children; and here is the result:—

‘The payments for the labourer’s children are twopence per week for one, and a penny for every additional child in the same family. For the children of all those above the mere labourer, and whose parents are living in the parish, six shillings, and for those of a similar class out of the parish, ten shillings per quarter.

‘The school opened in October, 1842, with 38 children, which, in October, 1843, had increased to 106.

‘At the end of the second year, to 110.

‘At the end of the third year, to 144.

‘At the end of the fourth year, to 158.

‘On the opening of the school, the number of children paying by the quarter was 11, increased at the end of the year to 25, of which number one was from an adjoining parish.

‘At the end of the second year, the number was 27, of which 3 were out of other parishes.

‘At the end of the third year 34, of which there were 10, and at the end of the fourth year, 36, of which 14 were from other parishes: and at this present time the number is 45, of which 22 are from neighbouring parishes.

‘The amount of school payments for the successive years are as follow, the first column being the total amount, including books, &c.; the second being for books alone, and showing the amount to which they have been purchased by the children.

		£	s.	d.	£	s.	d.
' Payments of	1st year to Michaelmas 1843	56	17	3	7	5	5
"	2d year to Michaelmas 1844	68	11	7	8	0	6
"	3d year to Michaelmas 1845	84	6	1	11	5	3
"	4th year to Michaelmas 1846	93	5	5	15	8	0
"	5th year to Michaelmas 1847	145	6	6	24	18	1
"	6th year to Michaelmas 1848	146	3	7	30	2	1
"	7th year to Michaelmas 1849	164	16	7	39	2	7

' This result is very encouraging; and is a proof, that the class above the labourer will send their children to our parish schools, when the education to be had at them is such as to qualify them for their pursuits in life.

' The amount paid for books the quarter (Lady-day, 1848) was greater than the whole amount for the first year, and is, for the last year, more than four times the whole amount for the first, and this, notwithstanding a very considerable reduction in the price of many of the books.

' The following was the state of the school at Midsummer last (1850):

Total - - - 219 children.

31 paying 10s. per quarter—27 boys and 4 girls.

24 paying 6s. per quarter—11 boys and 13 girls.

112 pence children—52 boys and 60 girls.

And in the junior school of boys and girls, 52, all of whom pay 2*d.* each.\* This school is taught entirely by the girl pupil-teachers, superintended by the school-mistress.

' Payments from Lady-day 1849, to Lady-day 1850, were—

		£	s.	d.
Boys' school	- - -	-	-	74 9 8
		£	s.	d.
Girls' school	- - -	36	17	9
Junior school of small boys and girls	- - -	10	5	2
		} 47 2 11		
		<u>£121 12 7</u>		

Contrast with this the fortunes of a National School, founded about the same time, in the parish of Great Braxted, in Essex. There was no need of the begging-box here. The lord of the manor—the owner, indeed, of almost all the land in the parish,—commemorated his accession to the estate by building two commodious schoolrooms, with a residence for a teacher and his wife. In order that the control of this school might remain with himself, he refused all contributions towards the payment of the master's salary,—which he settled at 30*l.* a year,—to be provided for out of his own pocket, together with the children's weekly pence, each child paying a penny. The same generous

Total of pence-paying children, 164.

disposition which led to all this, caused him to furnish such books and other implements of teaching as were deemed necessary; and, in 1843, under a master and mistress selected by himself, the school opened. What followed? The opening fête, whereat tea and cakes abounded, brought fifty or sixty children together, and the school was well filled. At the end of the first year the attendants had diminished from fifty to thirty; at the end of the second to twenty-one; and, in 1846, the doors were closed, amid many and bitter reflections on the indifference of the poor to the blessing of a religious education. But were these reflections just? We think not. The children were taught nothing, during these three years of attendance, beyond what Dr. Bell undertook to teach in 1799. They learned the collects and their catechisms, a prayer and graces before and after meals. They wore out many New Testaments by frequent thumbing. Their writing took the shape of hieroglyphics upon slates;—and there their training ended. How can any thinking man at the present day expect to interest the poor or their children in such a mockery of education as this? For the poor must really make some sacrifice if they are in earnest in striving to get their children educated. They must not only disburse the weekly penny, but keep their children from the chance of earning a small addition to the family fund; and, which is in many instances quite as hard to bring about, they must discipline their own tempers, so as to induce in their households habits of regularity and personal cleanliness. To bribe them into making such sacrifices, you must offer to them an article of which they can appreciate the value; which you will certainly not do so long as you restrict your curriculum within the limits circumscribed by the National Society's regulations.

We have quoted these two instances;—one of perfect success, the other of absolute failure,—because they are extremes. But the interval between is neither a void, nor a dead level. You descend by very many steps from King's Somborne to Great Braxted, and are struck, as you proceed, with the variety of expedients to which conscientious educationists have recourse. One clergyman (and let us do the clergy the justice to say, that however mistaken in their views many of them may be, they are almost to a man friendly to popular education,) is driven to his wits' ends for the lack of funds. He has begged, he has preached, he has got up bazaars, till these, with all other external resources, begin to fail; and now, rather than see his school die, he stints himself in the necessities of life. Another flatters himself that he is in a fair way of causing his school to aintain itself; but if he do, it will be by a process which offers

a positive premium to ignorance. His master is a trained man. He can teach not only grammar, but all the *ologies*: but these latter he imparts from his store according as pupils pay. He has a scale,—reading, for a weekly penny; reading and writing for two-pence; reading, writing, and arithmetic for three-pence; and so on up to six-pence, or perhaps a shilling, for Heaven knows how many additional subjects. This gentleman's school probably outlives those of his more modest neighbour. As the poor, however, think a great deal more of a penny disbursed to-day, than of the chances of success in after life, which a liberal education may give to their children, the vast majority of the scholars who frequent it, come on the easiest terms, for a while; and go away, as soon as work is offered to them, well nigh as little instructed as they were when they entered. But why pursue the subject further. Not only the Reports of her Majesty's Inspectors, but the unprejudiced exercise of his own powers of observation, must convince every thinking man, that education on the voluntary principle is at its last gasp. And yet we are admonished to listen to the repetition of the cry, 'The Church wants no assistance from the State. Let the State only hold back, and she will engage to do this great work of charity through the voluntary offerings of her children.'

It is not, however, in her method of working out details alone, that the Church, considered as the guardian of popular education, exhibits, even more than other voluntary associations, signs of internal weakness. Sectaries have, for the most part, some definite principle of action—she has none. Of her Training Institutions, which number little short of a score, there are scarcely two which instruct according to the same method, make use of the same text books, or hold the same dogmatic opinions; yet they all agree in this, that they are approaching to a state of collapse. Battersea, once so flourishing, has been recently at the point of dissolution, and is saved only for a time, and by a great effort. St. Mark's cannot fill more than half of its pupils' cells, and Westminster languishes. Here they agree; but look deeper into their affairs, and what do we find. At Westminster the Bell theory is still assiduously worked out; every thing is done by a multiplication of monitors, with masters and mistresses to superintend; and the text books are still broken catechisms, parables, miracles, Osterveld's Abridgment, the Faith and Duty of a Christian Man, and a thorough-going Church History of England. St. Mark's, embracing a wider range, fits its students to become rather High Church deacons or missionaries than schoolmasters. In addition to Latin, and we believe Greek, chanting and intoning are taught there,—feasts

fasts, and rituals religiously attended to. Meanwhile, with a view to counteract such pernicious tendencies, Low Church has set up an institution of her own, over the ordering of which Lord Shaftesbury and Mr. Burgess of Chelsea watch. Here, in the Metropolitan, as it is called, the Apostolical Succession is elaborately ridiculed, and the doctrine of Baptismal Regeneration condemned. Why speak of Exeter and Cheltenham, of Oxford and Norwich, of Chichester and Worcester, of Durham and Chester? All these, with many more, come in, each for its share both of the Church's munificence and of the Government grant; yet the methods of training which they respectively adopt are as various as the religious principles and views inculcated in them are discordant. And all, except perhaps Cheltenham and the Metropolitan, are, as we believe, with difficulty kept alive. Now what is to be said in support of a devise like this? It is eleemosynary — it languishes for lack of funds. It is under the control of the clergy — the work which it does is done most inadequately. It is a Church devise — the religious doctrines circulated by it are as discordant as they can well be. And it is opposed in front, flank, and rear, by Independents, Wesleyans, and the British and Foreign School Society, each of which has its Training Institution likewise. Will Mr. Denison be good enough to explain to us how, out of such elements, he is to construct a machine which shall operate in any way to diffuse throughout society the twofold blessings of orthodox religious principles and a solid and practical secular education?

<sup>7</sup> A consideration of these facts, borne out as they are by the Reports of Government Inspectors, not less than by universal experience, seems to establish two points; first, that the voluntary or eleemosynary principle on which education has heretofore been conducted, fails to supply the absolute wants of the nation; next, that the Church is incapable, when left to herself, of educating the children even of her own communion, as the State has a right to require. Indeed they prove more. The principle of voluntarism was abandoned when the House of Commons first voted its supply in aid; and has more and more sunk into disrepute in proportion as the powers of the Committee of Privy Council have enlarged themselves. Where would the best of the Church's Training Institutions be, did they not receive Government assistance, no matter whether it come in the shape of direct grants, or as payments to Queen's scholars and pupil teachers? And when we look further afield, is it not owing to the liberality of the Privy Council, that half the school-houses in the provinces have sprung up? Yet with all this, and with a large subsidy added by Government, with the produce

of Queen's letters, charity sermons, and individual generosity, generation after generation of Englishmen grow up in worse than heathen ignorance. Indeed we will go further. The sort of education which young people receive at ninety-nine out of every hundred of the seminaries conducted on the voluntary principle, tends rather to depress than to elevate their moral nature. It sharpens their wits only so far as to render them conceited; but neither moulds their principles nor inspires them with a thirst of self-improvement in after life. By far the largest number of criminals belong to that class, of which it is recorded that they 'can read and write imperfectly,' and no more.

Conscious of the extent to which the evil has advanced, and anxious by any practicable means to work against it, two great parties have arisen in the manufacturing districts; both equally desiring to be taxed in order that their countrymen may receive education, though they differ between themselves as to the plan on which this education shall be conducted. The National Association eschews, in theory, all strictly religious training, and declines to avail itself either of existing school-houses, or of the machinery already in existence. It comes to Parliament for an Act which shall divide all England and Wales into educational districts, rendering each responsible for the building, the establishment, and the maintenance of schools, more or less in number, according to its population and their wants. Manchester and Salford are more modest. They would legislate only for a combination of specified boroughs, and raise a rate in aid of existing educational establishments. According to their plan every street, or cluster of streets, which can boast of a school-house and a teacher, may come upon the rate for an amount of aid, proportioned to the number of poor scholars which belong to it. Of course, the trustees of schools so applying must prove to the satisfaction of competent inspectors, that they educate effectually; and it is further required of them to show, that among the branches of instruction attended to in the school, religious knowledge is included. But the Board of General Management makes no inquiry as to the particular formularies through which religious knowledge is imparted. If the school be attended by the children of Church of England parents, and managed by a Church of England committee, the inspector is satisfied so long as the religion of the Church is taught. If Dissenters form the majority of pupils, and take the lead in the management, they will, in like manner, be assisted out of the rate, provided it be shown that they instruct in their own way so as to satisfy the inspector. It may be well,



however, to place the details of the rival schemes in juxtaposition; which we do by the following extracts from a pamphlet, entitled 'The Scheme of Secular Education proposed by the National Public Schools' Association compared with the 'Manchester and Salford Boroughs' Education Bill.'

### CONCESSIONS REQUIRED.

#### 1. *A New Basis for School Management.*

##### *National Public Schools' Plan.*

**BASIS OF THE ASSOCIATION.**—I. The National Public School Association is formed to promote the establishment, by law, in England and Wales, of a system of free schools, which, supported by local rates, and managed by local committees specially elected for that purpose by the ratepayers, shall impart secular instruction only; leaving to parents, guardians, and religious teachers, the inculcation of doctrinal religion, to afford opportunities for which, the schools shall be closed at stated times in each week.

II.—The school authorities shall consist of—

1. School committees, elected by the ratepayers, in each district.
2. County boards, elected by the school committees within the county.
3. Inspectors and other officers, appointed by the county boards.
4. Commissioners, appointed by the crown to secure the establishment of the system.

##### *Local Plan.*

*Not required.*

#### 2. *Basis of Schools as now Managed.*

*Rejected.*

VI.—(1.) The proprietors or managers of all schools open to the inspection of H.M. inspectors, or to inspectors to be appointed under this Act, and employing teachers who have obtained certificates of merit, or teachers whose competency to conduct the schools is certified by the inspectors thereof, may place such schools in union with district committee.

(3.) No school, contrary to wish of proprietors or managers, to be admitted into union.

#### 3. *Authority for constituting School Districts.*

I.—1. The division of England and Wales into counties, and the subdivision of counties into parishes and townships, shall be made use of for the purposes of this system.

*Not authorised.*

*National Public Schools' Plan.*

3. Each county shall contain an educational system complete within itself.

I.—1. Municipal boroughs and districts governed by local commissioners, shall form separate school districts, independently of the parishes of which they may be composed or form a part.

VIII.—3. The county boards shall unite districts containing fewer than inhabitants, and parts of parishes not included in boroughs, or districts, to adjoining districts, and thereby to form school unions, which unions shall act in every respect as if they were districts of themselves.

4. *Reference to existing Municipal Authorities.*

*Rejected.*

I.—(1.) For the purposes of this Act, hereinafter mentioned, the municipal boroughs of Manchester and Salford, be, and be hereby constituted respectively, school districts; and in each of the said boroughs the municipal council shall, out of their own members, annually elect a school committee for such districts respectively.

XI.—(3), (4.) If, when additional school accommodation is required, no notice be given to the municipal council, of any intention to erect, within six months, such school room by voluntary effort, the district committee to issue notice of their intention to erect or provide the necessary school accommodation.

5. *New Authority for Levying and Expending Rates.*

III.—3. The school committees shall be required to establish and support four descriptions of schools, for which purpose they shall be empowered to levy rates.

VIII.—20. The county boards shall establish, support, and manage normal schools, for the training of teachers; and shall have power to establish schools for the deaf, the dumb, and the blind (10).

VI.—The school committees shall have power to levy and raise, in each school district, a rate for the purposes of this system.

2. *And* may purchase, lease, or hire school buildings, and may purchase land, either absolutely, or on chief or ground rent, and erect school buildings thereon.

3. *And* may purchase, lease, or rent existing school rooms, notwithstanding any trusts or endowments for any specific kind of teaching therein.

VIII.—If any district neglect to establish or support schools, the county board shall levy rates for the purpose,

*Local Plan.*

*Not admitted.*

*National Public Schools' Plan.**Local Plan.*

and appoint a school committee for such district.

13. The expenses incurred by the county boards shall be defrayed by the districts, in proportion to the rateable value of their property.

6. *Recognition of existing Authorities in the Levying of Rates.*

*Not provided for.*

III.—(1.) The municipal council, on the recommendation of the district committee, for purposes hereinafter mentioned, shall lay a school rate within that district.

(2.) On the same assessment as the borough rate.

(3.) Proviso: the school rate not to exceed, in any one year, sixpence in the pound upon the rateable value of property within the respective boroughs.

7. *New Authority for prescribing Instruction.*

VI.—7. No master or teacher shall be appointed to any school who has not received a certificate of qualification from the examiners appointed by the county board, so long as there is a candidate for the vacancy who has received a certificate, unless the county board, on special cause shown to it, shall authorise the school committee to dispense with the certificate.

*Not instituted.*

VIII.—5. The county boards shall prepare such course of instructions as they shall deem best suited to the four descriptions of schools, due regard being had to the requirements of different localities; and they shall have power to enforce the adoption of such courses of instruction.

6. It shall be necessary for the county boards to sanction all books before they are admitted into any of the schools.

8. *New Central Authority.*

IX.—Commissioners shall be appointed by the crown, whose duty it shall be to carry out the provisions of the Act. It shall be also their duty to procure as much information as possible of the state of education in this and other countries, to convey whatever may appear useful to the county boards, and to present an annual report to Parliament.

*Not required.*

9. *Existing Central Authority.*

*Rejected.*

XVI.—Complaints or appeals against district committee or inspector to be made to committee of council on education, whose decision is final.

10. *Free Education to be the Right of all.*

*National Public Schools' Plan.*

V.—1. All persons shall have the right of free admission, at the ages mentioned, to the day, evening, or infant schools of the district in which they reside.

11. *Respect to Opinions of Ratepayers.*

IX.—The provisions of this system to be enforced by adequate penalties.

*Local Plan.*

VII.—(1.) All schools admitted as aforesaid into union, to be free schools.

(6.) *Marginal.* Free education to be the right of all.

III.—(7.) Any ratepayer may require his rate to be appointed, under the provisions of this Act, for the support of any class of schools in union; and the amount of this rate shall be appropriated accordingly.

(8.) *Proviso*; if, in any case, the amount of rate so required to be appropriated to any class of schools as aforesaid, shall exceed the amount of aid required by such schools, under the provisions of this Act, the municipal council shall apply such surplus to the general purposes of this Act, as if such special appropriation had not been made.

Here we have a tolerably clear view of the systems of management which these rival associations propose to establish. The following sets forth the provisions which it is proposed to make in each for guarding the rights of conscience among the supporters of existing schools:—

*National Public Schools' Plan.*

VI.—3. The school committees may purchase, lease, or rent existing school rooms, notwithstanding any trusts or endowments for any specific kind of teaching therein.

Provided always that the trustees, managers, or proprietors of the schools so transferred shall have power to reserve to themselves the sole right to use the buildings for Sunday schools, and for the purpose of communicating religious instruction in conformity with their respective trust deeds, at such times as they may not be required for the purposes of instruction under this system. (*See s. VIII. c. 2.*)

**BASIS OF THE ASSOCIATION.**—The National Public School Association is formed to promote the establishment, by law, in England and Wales, of a system of free schools, which shall impart secular instruction only; leaving to parents, guardians, and religious teachers the inculcation of doctrinal religion, to afford opportunities for which the schools shall be closed at stated times in each week.

IV.—In which school children shall be instructed in reading, grammar, writing,

*Local Plan.*

VI.—(1.) Lawful for the proprietors or managers of all schools open to the inspection of H.M. inspectors, or to inspectors to be appointed under this Act, and employing teachers who have obtained certificates of merit, or teachers whose competency to conduct the schools is certified by the inspectors thereof, to place such schools in union with district committee.

VII.—(2.) In all schools which, at the time of the passing of this Act, are permitted or permissible, by some minute of the committee of council on education, to participate in any of the benefits of the parliamentary grant for educational purposes, the following conditions of union to be imperative; in addition to the conditions prescribed by any new existing minute of such committee of council, so far as is applicable to any such schools or classes of schools:—

- i. To keep a register of attendance, absence, and conduct, of the scholars, and periodically to furnish a copy thereof to the district committee.
- ii. To admit the secretary, or other officer of the district com-

*National Public Schools' Plan.*

arithmetic, geography, history; in the various qualities and uses of the objects by which they are surrounded; and generally in such kinds of useful knowledge, together with industrial training, as may be deemed advisable, or the growing intelligence of the people may demand. In addition to these, shall be sedulously inculcated—a strict regard to truth; justice, kindness, and forbearance, in our intercourse with our fellow-creatures; temperance, industry, frugality, and all other virtues conducive to the right ordering of practical conduct in the affairs of life.

VI.—5. The school committees shall set apart \_\_\_\_\_ hours in every week, during which the school shall be closed for the purpose of affording an opportunity to attend the instructions of the teachers of religion in the various churches and chapels, or other suitable places. No compulsion shall be used to force attendance, nor shall any penalty or disability whatever be imposed for non-attendance on such religious instruction. (*See s. VI. c. 3.*)

VIII. 7.—In regard to all the books employed in the schools, and in regard to the instruction and discipline therein carried on, the county boards shall make and enforce such regulations as shall secure to dissidents and objectors the full rights of conscience.

VI.—16. No minister of religion shall be capable of holding any salaried office in connection with the schools.

*Local Plan.*

mittee, to compare the attendance of the children with the register.

iii. Not to compel children attending such schools either to learn any creed or formulary, or to attend any Sunday school or place of religious worship, to which their parents, or persons having the care and maintenance of them, shall, in writing object.

iv. All schools, not being infant schools, to produce annually to the district committee in form, hereunto in *schedule A.* annexed, a certificate from the teacher of the school, countersigned by the inspector thereof, that the general instruction of the children includes reading, writing, arithmetic, English grammar, English history, and the elements of geography; and, in the case of girls' schools, plain needlework also.

(2a.) *Proviso:* No school not otherwise subject to the inspection of H. M. inspectors, shall, by the provisions of this Act, be required to admit any other than the local inspectors hereinbefore provided.

(3) In all schools, not permissible as aforesaid to participate in the benefits of the parliamentary grant for educational purposes, it shall be required as a condition of union, in addition to the four conditions aforesaid, that the reading of the Holy Scriptures in the authorised version shall be a part of the daily instruction of the scholars.

*NOTE.*—But it is declared that no school which is permissible under section 2 of this clause shall be admitted under this section.

(5.) The district committee not to acquire by union, any right to interfere with the internal management, discipline, or instruction of such schools; except in relation to the conditions of union before stated.

V.—(2.) Committee of council to appoint local inspectors, in conformity with existing regulations in respect to the several classes of schools, which H. M. inspectors may examine.

X.—(2.) Guardians of the poor to require, subject to the rules and regulations of the poor law commissioners, children of persons receiving out-door parochial relief to attend school.

IX.—(4.) *Proviso;* no payment out

of the rate shall be made to any school, in which the master or teacher shall be a person in holy orders, or a minister of religion.

It is unnecessary to pursue this parallel further. Both schemes have something to recommend them: both a good deal that may be objected to; though, unquestionably, if we be driven to select one or the other, we shall prefer the Manchester and Salford devise. But why choose either? Why leave either to independent members of Parliament, or to individuals, however influential out of doors, to do in part what ought to be done wholly, on the suggestion of the head of the Executive Government, and by a solemn vote of the Legislature? Let us explain ourselves.

There are scattered through England, especially in the agricultural districts, many endowed schools, of which the revenues are considerable, though the uses to which they are turned correspond but little with what we may assume to have been the purposes of their founders. One of these, in the parish of Ash next Sandwich, Kent, occurs to us. It is maintained out of the produce of a farm, which fifteen or sixteen years ago used to let for 120*l.* a year, and may now be worth 80*l.* The will of the founder directs that a certain specified number of boys and girls shall be educated; and the numbers so fixed must have included all, and more than all, the young people of the place, who could have required such help to educate them at the death of the testator. The parish has doubled and quadrupled its population since; yet the trustees of the charity refuse to throw it open, and pertinaciously adhere to the items of instruction specified in the will of the benefactor. Surely this is a case in which the Legislature might, with perfect propriety, interfere; and it is by no means a singular case. England is dotted over with charitable endowments—some classical, some for general educational purposes—which accomplish nothing, because the age has outrun their sphere of usefulness, and executors and trustees are unable to enlarge it. Surely an Act of Parliament would be well applied which should throw open the doors of these temples of learning, and so modify both their constitutions and systems of management, that the people might be enabled to participate in the advantages which they were meant by their founders to dispense.

Though eminently wise and beneficial, even this measure would not be enough. The law should require that every town, borough, parish, and hamlet of which the population may reach (say to three hundred souls) shall provide one or more school-houses, with residences for teachers, according to the educational wants

of the district, and at the expense of the inhabitants. Where parishes or districts fall short of a population of three hundred, two may unite for education, or that which contains less than the necessary complement may take in a portion of an adjoining district of which the population is excessive. All school-rooms so provided should be fitted up and supplied with materials of instruction, agreeably to a pattern approved of by the Committee of Privy Council; which should likewise define the books to be used as class books, leaving to local committees the right of selecting from the list those which appear most suitable to the condition and requirements of the scholars.

A bill so worded may appear, at first sight, to threaten the rights of individuals as well as of incorporated bodies. There are more school-houses in England than scholars to fill them; some of which owe their existence, like that of Great Braxted, to the munificence of private persons: while of others, built by public subscription, the property is vested, for particular purposes, in trust. Are they to be pounced upon and confiscated, or shall the Legislature compel parishes to erect additional school-houses, when those already in existence stand empty? The objection is more plausible than real—for the Legislature is not bound to notice, and, of course, will not notice, existing school-houses at all. It will leave to parish authorities the care of settling how such edifices are to be dealt with—whether obtained by purchase or cession, or in any other way, from their present proprietors—the single point to which it looks being this: that no parish or district, containing more than a fixed amount of population, shall be destitute of a school-house and teacher's residence throughout England. But as the proprietors of existing school-houses are exactly that class of persons on whom the building rate, if called for, must fall with the greatest weight, we are surely not impugning either their good sense or their liberality, if we assume that, in nine cases out of ten, they will prevent the necessity of a rate, by making over their buildings to the parish. And as to school-houses held in trust, the trustees can easily be relieved from the restraints under which they now lie, by a law which shall be permissive only. They may refuse to avail themselves of it, and endeavour to compete, both as regards school-houses and scholars, with the national scheme. But few, we suspect, will be tempted to embark in so desperate an enterprise: for the voluntary against the endowed principle is no fair match, particularly if the value of the instruction communicated be all on the side of the latter.

The next thing to be done is to provide a fund for the main-

tenance of teachers; which must be raised, like the poor fund or the church fund, by rate levied on all the property of the parish or district, without exception. It need not, in any case, exceed one shilling in the pound, and ought to be limited to this amount. For there is probably no district in England, inhabited by three hundred persons, which, when all are rated in a like proportion,—from the lord of the manor down to the occupant of a forty shilling cottage,—will not support amply its local teachers, besides supplying its school with books, slates, and every other requisite for tuition.

The school so built and so endowed must be open, free of charge, to the children of all parties alike who are rated for its maintenance. Of course the nature of the instruction will be pitched sufficiently high to render it an object with tenant farmers, and the middle orders of tradesmen and shop-keepers, to avail themselves of it. But there can be no harm in this, but the reverse; for the fact of having been brought together in their childhood, at task and play, will serve to engender a more kindly feeling among employers and their servants in after life than generally prevails at this moment.

The general superintendence of each school should devolve upon a local committee, to be chosen by the rate-payers, voting according to the amount of their respective contributions. But it should be provided, that the clergyman of the parish, the churchwardens, and all ministers of religion officiating within the limits of the parish or district, shall be, *ex officio*, members of this committee.

It should be the business of the committee to control the receipt and expenditure of the education rate; to see that the school is adequately supplied with materials; and to support and encourage the teachers by frequent visits to the school during hours of work; to suspend any or all of them for apparent incompetency, and to dismiss, should moral depravity be proved. In all such cases, however, the committee must report, without loss of time, to the Committee of Privy Council, which shall be authorised to confirm or reverse such sentence, according as the results of further inquiry may suggest.

In order to provide competent teachers of both sexes, an adequate number of training colleges must be instituted and supported at the sole charge of the Committee of Privy Council; from one or other of which, local committees, acting for parishes, may select teachers suited to the wants and social and intellectual condition of their respective localities.

All schools supported out of local rates, and furnished with teachers by Government training institutions, should be regularly



inspected and reported upon by her Majesty's inspectors of schools; such report to be laid every Session on the tables of both houses of Parliament.

With respect to attendance, we believe that, for the present, that must be left to the option of children or their parents. Neither would it be just to fix any one arbitrary standard of instruction, by which all schools are equally to be tried. This point, however, ought to be insisted upon in every instance; that, whatever may be the circumstances of a parish or district, to these the instruction communicated in the national schools shall conform. In manufacturing towns, for example, the ordinary attainments of reading, writing, and arithmetic will be judiciously followed up by instruction in mechanics, in the construction and uses of machinery, in design, and in chemistry as applied to the arts, and so forth. In the rural districts, natural history, agricultural chemistry, the properties of light and heat, horticulture, and even botany, may all be turned to good practical account. And, assuming that these subjects are well taught, we have the experience of Mr. Dawe's school to convince us, that education will not only become popular, but that it will soften the manners as well as elevate the tastes of the rising generation.

Finally, on the subject of method, and the best and most effective means of founding all knowledge on the religious principle, we have nothing to add to what has already been stated at the beginning of this Article. The schools of our regiments and the Training Institution at Chelsea, offer models which cannot be too faithfully imitated. For it is a gross insult upon the Church of England to assume that she will lose ground on a fair trial with other sects; or that children who are not dosed, *ad nauseam*, with catechisms and liturgical formularies, every day of the week, must, when they grow up, pass of necessity to the conventicle.

Such are the views which we entertain of what is not only required but practicable in this country. We believe, also, that when accomplished, all parties would approve of it; and we are certain that unless this, or something like it, be done, the evils of an overgrown and grossly ignorant population will soon force themselves upon the attention of the most careless. Nor let us be told that ours is a German scheme; and that the present state of Germany furnishes few proofs of its excellence. The present state of Germany is bad enough, thanks to the breach of promises made by Kings and Emperors so long ago as 1814. But it would be ten times worse than it is; even worse than in the darkest times of 1848, had not the people learned, through the influence of a liberal education, to put some restraint upon their

passions, and to make a law to themselves amid anarchy. Compare all our recent European revolutions with that of 1794 in France, and say whether education have not a tendency to restrain from the commission of at least the wildest crimes; but do not lay to the door of the school, revolts which began and succeeded long before the school existed.

But it is needless to argue against a point that few reasonable persons would defend. The great question, after all, is this; to whom shall England be indebted for the boon of a really national system of education? Will the minister who now guides the councils of the Crown earn this harvest of glory to himself, or, shrinking from obstacles which the slightest show of firmness must overbear, will he leave it to be gathered in by another?

ART. III. — 1. *Lo Stato Romano dall' Anno 1815 al 1850.* Per LUIGI CARLO FARINI. Vols. I. & II. Torino: 1850. Vol. III., 1851.

2. *The Roman State from 1815 to 1850.* By LUIGI CARLO FARINI. Translated by the Right Hon. W. E. GLADSTONE, M.P. Vols. I. and II. London: 1851.

3. *Memorie Storiche sull' Intervento Francese in Roma nel 1849.* Di FEDERICO TORRE. Vol. I. Torino: 1851.

4. *Histoire de la Révolution d'Italie en 1848.* Par JOSEPH NAPOLEON RICCIARDI, Ancien Député au Parlement de Naples. Paris: 1850.

5. *Gli ultimi 69 Giorni della Repubblica in Roma.* Napoli: 1849.

6. *All' Europa. Annotazioni storiche retrospective dei Costituzionali Romani.* Italia: 1851. (Privately printed.)

7. *Gli ultimi Rivolgimenti Italiani.* Di F. A. GUALTERIO. Vol. I. Firenze: 1851.

8. *Ai Signori Tocqueville e Falloux, Lettera di G. Mazzini.* Losanna: 1849.

WE are not aware that Mesmerism, in any of its successive developments, has as yet undertaken to foreshadow great political contingencies. It is a task so difficult, and so far transcending the ordinary range of human judgment, that the higher and the lower classes of minds seem almost to run equal chances when they approach it. The multitude of disturbing circumstances that cannot be foreseen, and their play, alike powerful and capricious, commonly derange the best calculations

which the care and wit of man can devise ; and a knack of lucky conjecture, an order of faculties resembling that which solves conundrums, often seems to be more successful in its hits than comprehensive mental grasp or the closest logical continuity.

Yet, although the forms which are to emerge out of a crisis are thus difficult to predict, such cases have often happened as satisfy the common understanding of the world, that the crisis itself must shortly come. One of these, for all who have given their minds to it, is, unless we are much mistaken, the present case of the Roman or Papal States. As, when we see a ship about to be launched, with the downward slope before her, and the props or stays about her, we need no prophet to acquaint us that, so soon as these hindrances are knocked away, the mass must move, and that pretty briskly ; in like manner the slide lies prepared, down which the temporal power of the Popes is rapidly, and perhaps precipitously, to descend, so soon as its artificial and purely mechanical supports shall be withdrawn. Nor is it less plain in this case than in the former, that the effect will follow upon its cause when the latter is permitted to operate with freedom. But the ship descends to ride proudly on the waters : that vessel of state, with which we are comparing it, will sink like lead into their unfathomable abyss.

A course of historical traditions in a conservative sense, derived from the period of the last war, has imbued us Britons with predispositions so favourable to the temporal power of the Popes, as to counterbalance, *pro tanto*, the strong Anti-papal sentiment of the country. The downfall of this power is linked in our recollections with the sanguinary propagandism of the great French Revolution : its restoration, with the triumphs of British arms and the return of general peace. Ugly tales, indeed, reached us, though piecemeal, during the reign of Gregory XVI. But in politics the English are a forgiving people : their wrath rises slowly, and, when risen, it is easily turned away by any indication of a desire to amend. In this point of view it is pleasant, in another it is almost ludicrous, to look back upon the reception which was generally given in this country to the reforming measures of Pius IX. Warning voices might, indeed, be heard : the voices of those who perceived, in the measures of the Pontiff, by far too much of what the Greeks called τὸ φορτικόν ; a resolution, or a tendency equivalent to a resolution, to have a maximum of credit for a minimum of performance, a maximum of show, with a minimum of substance : and at the same time either an utter ignorance or a very culpable recklessness as to the consequences likely to attend upon ostentatious and theatrical, not to say charlatan and mountebank,

politics ; as to the dangers of that unsettling process which they generate in the common mind, and the reacting dangers of the reflux tide of angry disappointment. To few, however, either here or elsewhere, was given the discerning eye ; and Pius IX. was speedily invested, not only with every virtue, but with every talent, under heaven. The first two years of his reign present to us a continuous and brilliant political romance. The events of that time in the Roman States already seem wholly without any matter-of-fact or historical character ; colour, form, and motion are all borrowed from the ideal. Ariosto or Boiardo could hardly match or paint them. A benignant visage, a majestic head, a throne looking towards both worlds, and claiming to be the link between them, the sweet yet sonorous music of a voice which blends in one the highest assumptions of religion and the plain palpable dictates of humanity and justice, the rapid succession of its utterances, each one seeming to rise higher than before, a nation dissolved in joy and tears, grown men thrown back upon the wildness of childhood by the vehemence and height of their exultation ; and all this not inconveniently near, so that the curious eye should separate between the tinsel and the gold, the diamond and the paste, but at the exactest distance, not too much for interest, ample and abundant for illusion, and for that mellowing tone which conceals while it harmonises and enchants : such was the picture, as we viewed it in our simplicity, of those halcyon days ; like a myth brought down from fable into fact, or like the opening of some new Apocalypse, — the anticipation, in this vale of tears, of the better and higher land, into which neither cruelty nor defilement, neither fraud nor force, can enter.

‘The earth and every common sight

To me did seem

Apparelled in celestial light,

The glory and the freshness of a dream.’ \*

We may turn over the pages of the world’s history in vain to find a parallel to that extraordinary time ; not, however, for glory, — not for power developed, — not for progress achieved and realised, — but for the unhappy issuing of the best intentions into wholesale harlequinade ; for brilliancy of mere glitter in the scene, and impenetrability of dense delusion in the spectators.

Such was the first act of the disastrous piece, which opened out, as it proceeded, into the Year of Revolutions for Europe, and for Rome into the foul murder of Rossi, the flight or

\* Wordsworth’s Ode on the Recollections of Childhood.

truancy of the Pope, and the joint invasion and occupation of the country by France, Austria, Spain, and Naples. And we English have looked on with a kind of stupid and bewildered wonderment; conscious that something has gone very wrong, but not knowing exactly what; partly befooled by mendacious 'correspondents'; partly unwilling to suspect French generals and statesmen of deliberate and continued falsehood, told in the face of the world and for the purposes of despotism; partly haunted by the traces of certain dreams that we had a little while ago, about a pope, the quintessence of wisdom as well as benevolence, who, with a wave of his sceptre, had called back the golden age; partly possessed with a dim notion, that only Roman Catholic Powers have an interest in the Roman State; partly hugging, with impenetrable contentment, our own exemption from the revolutionary scourge, and satisfied on the whole to let the world wag.

All these reasons we summarily thrust aside; so far, at least, as to open a way for our pressing upon the public mind a serious consideration of the case of the Roman States. England, which vibrates to every shock that society anywhere receives, must not exempt herself from the law of sympathy and brotherhood, only because the firm tone of her system enables her to endure the pulsation under which a poorer fibre would give way. The people of the Roman States are made of bone and sinew, and nerve, and flesh and blood, like other men: and it is an absurdity, not worth argumentative confutation, to hold, that the civil and social relations and political rights, which appertain to them as men, are to be handled only by the adherents of those who stand in a particular connexion with the head of their government as Roman Catholics. In France, indeed, we have been told, with very sufficient distinctness, that the Roman subjects are elected to a perpetual martyrdom for the good of the Papal Church. All the honours of that martyrdom they are to enjoy, together with their traditions, and the gains arising from the resort of travellers to the capital: but martyrs they are to be, — politically dead, shut out from those principles of government which are the vital conditions of society, according to the modern idea. Other nations may claim liberty of conscience; but this would too rudely jostle the tender susceptibilities of a Supreme Pontiff. Other nations may vote their own taxes, but the Romans are to be purely passive in that matter; other nations are to delimit for themselves the possessions and *status* of the clergy, but the process is to be precisely inverted for some three millions of people in central Italy, because a temporal power, conferred upon the Church by events,

and harmonising with the state and exigencies of society when it was acquired, is now to be maintained in defiance of all those exigencies, upon the palpably manufactured pretext, that it has grown into and become inseparable from the spiritual supremacy of the Pope.

While the Pope is the great political beggar of the world, could be deposed to-morrow by ninety-nine votes out of every hundred in a free assembly of his lay subjects, and depends from day to day upon the breath of foreign authorities, he is not content, forsooth, to hold his temporal power upon any titles, or subject to any condition, so precarious as that to which his protectors themselves submit, and which he himself recognises in their cases — the consent, namely, of the governed. Let us examine the composition of the diplomatic body at the court of Pius in 1848. There are the representatives of Portugal and Spain, accredited from sovereigns themselves symbols of the popular principle, and substitutes for the rival claimants under the principle of absolute hereditary right. There is the ambassador of the French Republic, erected upon the ruins of kingship, but on the instant acknowledged by the Pope. It is true, indeed, that the royalty now prostrate in the dust was itself of revolutionary origin; but from the very hour of its birth that too had the recognition of the Court of Rome. There is the envoy of Sicily, which has broken the duress of Naples for a moment, although it is presently to be reduced, and reduced not by foreign but by domestic arms. There is the minister of Belgium, a country owing its political existence to its own exertions, which emancipated it from Holland. There is Castellani, the minister of Venice: of Venice assured to Austria by the treaty of Vienna, under which the Papal throne itself subsists; of Venice, which exists in independence solely by the right, and amidst the convulsive struggles, of revolution; of Venice, pressed at the very moment by the Austrian arms, and consoled under that pressure by the following address, in autograph, from the Pontiff:—‘GOD give his blessing to Venice, and DELIVER HER FROM THE CALAMITIES SHE APPREHENDS, in such manner as in the infinite resources of His Providence shall please him for the purpose. 27 June, 1848. PIUS, P. IX.’

Very good: here is a Lamannais-Ventura Pope, the beau-ideal of theocratic revolution, owning no allegiance to things as they are, drawing no lines of division between the processes of bit-by-bit and root-and-branch, and consecrating, at every point of the compass, in the most varied and authentic forms, the principle that every nation may fix and settle for itself who

shall be its governors, taking down the old and setting up the new at its discretion, and that none shall on that account suffer any detriment in its religious rights and privileges, or lose caste in its relations to the head and centre of the Roman Church. Nay, even in the mood of reaction, what was the language of the Pontiff: 'I cannot mingle in this war; you are all alike 'my children.' That is to say, nations and communities of men are not to be called to account by spiritual, any more than by temporal, power, for the changes they may choose to make in their laws or in their rulers.

But now let the same principle which had handled, remodelled, overthrown, the ancient monarchies of Europe, not so much on account of gross outrage, or of ludicrous failure to attain the purposes of government, as on account of inadequacy to make a full reply to the demands of modern civilisation, proceed to try the same processes upon that hierocracy, which in theory is the scandal and the laughing stock of Europe, the grand *lusus naturæ* of the political creation, and which in practice is too rotten to bear the rummaging of effective reform; and how strange is the metamorphosis of the Pontifical visage! Sauce for the gander is not, it seems, to be sauce for the goose. The sanctity of the ecclesiastical power infects all it touches: and the mundane terrestrial instruments of taxation, police, soldiery, courts, gaols, and the like which it employs, must not be subjected to the rude touch of human hands. When the Romans do that very thing which so many other nations have done with the Pope's sanction, — that is to say, get rid of their old government and choose a new one, — then we find we are in a new clement altogether, and the very same exercise of discretion, which to others is allowed, for them is visited by excommunication, or exclusion from the kingdom of God. These things are worth looking into.

Now, let us at the outset disclaim all intention of assailing that spiritual supremacy. The question before us is a question of social and political justice. It is in our view impossible to say whether the papal supremacy will, upon the whole, be more strengthened or weakened by the withdrawal of the temporal power; but let us, above and before all things, have fair play; and do not let us conceal religious or sectarian objects under the plea of that natural and general justice, which is anterior to and independent of them. Let us inquire frankly whether the Papal power ought to stand or to fall upon these last-named grounds. Any covert purpose, giving a colour to our ideas, and a bias to our arguments, apart from the true bearings of the question, would at once be detected, and would raise a counter

influence of the same illegitimate kind, and quite as effective. England said *Aye* to the restoration of the Pope a generation back on the grounds of justice, without fear of being told that she Romanised by so doing; in like manner let her say *No* to his continuance in his sovereignty now, without fear of sinister imputations, if she is convinced that justice asks it, but only with and on condition of that conviction. And let it by no means be objected, that language like this ought not to be used with regard to a foreign Power. It ought not to be used of a foreign Power, but it may and ought to be used of a foreign puppet. He that consents to hold a throne in virtue of the military occupation of his country by foreign armies, without any rational expectation that such a state of things is to terminate and give place to one more natural, is not an independent sovereign at all; he has given over his sovereignty to anybody and everybody, and has conferred upon mankind at large a right to discuss the question of its continuance with as little reserve as if every one of Adam's children had to give a separate and authoritative vote upon it.

We are not of those who proceed upon the abstract objection to clerical government, strong as it undoubtedly is. We are of those who object to uprooting any thing until after it has been well considered what is to succeed, and made reasonably certain that the contemplated change will be an improvement. We understand, and sympathise with, the feelings of persons who, without much positive admiration of the Papal Government, have, nevertheless, been so keenly alive to the great risks, both political and religious, which might follow upon its dissolution, that they have clung, beyond hope and against hope, to the desire that, in some way or other, some tolerable terms of composition between the Papal throne, with the sacerdotal apparatus about it on the one hand, and the civilisation of our time, with its political accompaniments on the other, might be devised. But the resistless teaching of experience has brought us to the conclusion that no such terms can be found. Monarchy has shown itself in many countries, and, we trust, will show itself in more, capable of such adaptation to the times, that it has, as it were, started with renovated youth upon the path of a new, yet honourable and useful existence. Such it is in England: such, as we trust, to name no more, in Belgium and Sardinia. But our belief is, first, that the Papal Government has experimentally demonstrated its incapability of receiving these adaptations; and, secondly, that, on account of that incapability, it must very speedily cease and determine. After establishing these propositions, we shall proceed to press



the importance of full discussion, or, in the popular phrase, ventilation of the questions, so momentous for Italy, for Europe, and for Christendom,—what is and what ought to follow, when the antique shadowy projection upon the scene of Time, that gift of Constantine,

. . . quella dote  
Che da te prese il primo ricco padre,

together with all its real historical accretions, shall have come to be numbered simply with the things that were.

We ask then,—

1. Can the Temporal Government of the Popes accommodate itself to Constitutional forms?

2. If not, can it or ought it to endure?

3. If not, then in what manner should the political void be filled, and the See of Rome provided for, with a view to the interests of the Roman subjects, the disappointment of revolutionary speculations in Italy, or elsewhere, and the just claims of the See itself as the ecclesiastical centre of the largest among Christian Communions?

The first question, then, to be examined is this,—Can the Papal Government accommodate itself to Constitutional forms? Or, to illustrate the question by a needful paraphrase, we ask, not only whether it might in the abstract bear this accommodation; not only whether it be demonstrable, or not, that no such thing can take place; but rather, and chiefly, is it within the circle, however liberally drawn, of reasonable probability,—is it within the moral conditions of the times and the men, that any such adaptation should be brought about?

In making the inquiry what answer should be given to this question, we may proceed, either by the light of abstract argument, or by that of experience.

When we look at the abstract question, we are met at once by this insuperable difficulty. Rare in Pagan times, the collisions of the Church with the State have, ever since the promulgation of the Gospel, made up a large and essential part of the history of the world. This marked difference has followed naturally upon the enormous change which Christianity brought about in the religious element of society. Before its promulgation, both civil and religious affairs were reducible simply to the standard of human will and choice; all things, therefore, in the last resort were Cæsar's; but now we have a new Canon,—‘Render unto Cæsar the things that be Cæsar's, and unto God

‘the things that be God’s.’ Of the breadth and range of this latter category we are not now to treat. Without doubt, it has been widened enormously, at different times, from the operation of motives more or less corrupt. But, suffice it to say, that it exists. Wherever there is Christianity, there is a system professing to influence vitally the opinions and actions of men, by motives, machinery, and sanctions, originally independent of the State, an *imperium in imperio* by birth.

The next question that arises is,—Can collision possibly be avoided between this spiritual authority and the civil power? Our kinsmen of the United States promise to solve this problem for us: and along with reaping-machines, yachts to sail with railway speed, Hobbs’s locks, and Colt’s revolvers, we are to owe to them a recipe for a system of perfect and equal religious freedom, free alike from connexion and collision with the State. But this echo from America is no answer for an old European country. Beyond the Atlantic it really appears, that things civil and things spiritual move in their separate spheres, without any need for an arbiter between them; although, if one were required, there can be little doubt within which of the two he would be found. But it is not so in Scotland, or in England, much less is it so in any other European country. With European ideas, habits, and institutions, it is not too much to say, that the points of contact and of intersection in the respective orbits of Churches and States are numerous and sharp, and absolutely demand the presence of an umpire, or else the recognition of a power and competency in one of these to overrule, in case of conflict, the volitions of the other.

Now, in every country of Europe, except one, this necessity is recognised and met in a particular manner. In every country of Europe, except one, when collision arises between the civil and the religious power in the external forum, and there alone it can arise, because there alone does the former claim, or can it enforce, dominion, it is settled in one way; the civil power, as the earthly judge and measure of its own responsibilities, overrules, and the ecclesiastical power submits. The universal sense of Christendom seems to recognise this, and this only, as the proper method of solution in the formidable and disastrous cases where such conflicts of authority arise. No doubt this power, like every other however lawfully owned, may be abused; it may be pushed to injustice; it may be betrayed by cowardly or fraudulent surrender: that is not the point: enough for the present argument, that it is a power owned by the State, and lawfully so owned.

We say the universal sense of Christendom. For not only

do all countries outside the Roman border, whether absolute, constitutional, or republican in their form of Government, bear direct witness to this principle, but indirectly, and in a strange and monstrous form, the States of the Church themselves bear similar testimony. Even there we do not see the intolerable anomaly of a State obeying in the civil sphere the dictates of the Church. The dilemma is effectually avoided in another way. There is no State at all. There are communes, municipalities, provinces, with their executive officers and their Boar'-legislation in matters of Lilliputian scale; there is a Senator of Rome to boot, the pale and thin spectre of an august idea;—all these are the alphabet and *disjuncta membra* of a State; but State there is none; no living central authority, combining, summing up, animating, and governing the whole; no organ of the common life; no one legitimate depository of those ideas, traditions, and affections, which make a man feel that a large part of his own existence is inseparably welded with that of what he calls his country. If our sober-minded fellow-countrymen lament the wildness with which the Italians, and the Roman Italians most of all, pursued, in 1848, the vision of national independence, yet let us reflect, in their excuse, that the space, filled in our minds with all manner of things glorious, is, of necessity, an aching void in theirs; for, unless we plunge into an intolerably distant past, where is the Roman of noble and ardent soul to find that food for his social nature, and his public affections, which is supplied to every one of us from boyhood in large redundancy by the long and shining annals of our fatherland? Rome has had no State at all, no hierarchy of political offices, transmitted from man to man through schools of statesmen, and gathered up into a whole. All the functions of civil government were performed, we say not how abominably ill, but in detail and in isolation one from another; in the lower grades they were performed by laymen; as the scale rose from these to higher duties, every thing passed into the hands of ecclesiastics, of prelates, of monsignori, of cardinals, and terminated in the Consistory and the Pope; so that all the higher functions of the State life became simply an incidental and secondary part of the organisation of the Roman Catholic Church.

It may be said, and we do not deny but maintain it, that this was for our day an absurdity. It was and is so; yet, as tried by the weights and measures of a practical man, even an absurdity is better than an impossibility. For at any rate it leaves the subject in the world of actual existences, and while there is life there is hope. Our fear, our painful conviction is, that the attempts which have been made to substitute con-

stitutional government for despotism in the Roman States have been, and have been shown by experiment to be, attempts to remove indeed an absurdity, but to substitute for it an impossibility.

For under a constitutional system, the State, which has heretofore been nothing in the world except an accidental and subordinate department of the working of a great ecclesiastical organisation, leaps into real, palpable existence, and must and will have all those vital functions which belong to an organ of civil government. It must take into its own hands the protection of person and property against violence, the adjustment of all civil rights as between individuals and classes, the determination of the conditions on which property may be held, the division of civil powers between all the constitutional bodies of the State, the absolute and exclusive control of the levying of taxes and the expenditure of the public money, the maintenance of public order, the right of making war and making peace, the grand debate of liberty of conscience; and yet one thing more, the most vital of them all, the sole prerogative of determining the limits of its own province of action. In England we do not speak of this or that power as belonging to the Legislature, but we tell out boldly the principle of our Constitution, under the name of the omnipotence of Parliament, or more properly of the Legislature. A phrase which, among us, is for practical purposes well understood, and being so understood, it is invaluable. No specification of legislative powers could exhaust the list; and, besides, it is the very essence of good government that it provides a definitive issue for all questions which may arise: the difficulty of human fallibility must still encumber it; but the question of jurisdiction it universally and absolutely solves. To admit, however, of the safe profession and safe use of such a doctrine as this, is the felicity of inherited as opposed to manufactured liberties. We do not assert it for a State in the Roman provinces, which, as we see, is a thing yet to be created. What we do contend is, that no State endowed with less than the powers we have enumerated above,—no State which does not possess them, either absolutely or subject only to known, limited, and secondary exceptions,—answers fully to its name; and that no State is a constitutional State which does not, whether directly or mediately, give an effective control over all of them to the governed.

Now, how could this be in Rome? In the first place, the head of the State is a Pluralist. He has another function, infinitely grander and more important than his fourth-rate sovereignty: he is in incessant contact with a train of higher

interests: there is nothing to secure, nothing to render likely, an uniformity of movement between that train of religious and ecclesiastical interests, and the series of particular and local concerns appertaining to the inhabitants of the Roman State. They must, therefore, often or sometimes clash. When they do, the Pope must, as in duty bound, follow the more powerful attraction. If he did not, Gallicanism would soon come afresh into fashion, and 'means would be found of getting rid of him. This will do after a sort, while there is no State at all; but a State must as such be supreme in its own sphere, whereas a Roman State must at all times be prepared, and at many times required, to see what it deems its own interests postponed to those of something and somebody else. It does not mend the matter to say, Yes, but the interests postponed are civil, while the interests preferred are spiritual. The Roman will justly say, Where is it written, or when was it believed or avowed, that it is agreeable to God that the civil interests of one nation shall be permanently marred on the plea of promoting the spiritual interests of another? And the sure upshot of such a doctrine will be this; not that he will sacrifice what touches himself, his parents, his children, his wife, his friends, his country, to such a chimera; but that he will say, the beneficent purposes of God the common Father, in endowing us with social instincts and capacities, are themselves a law written in the heart of man, anterior to the donation of Matilda or the descent of Charlemagne, and, to say the least, quite as clearly referable to a celestial origin. His conclusion from the premises scarcely needs to be clothed in words of ours. It is as certain as the recurrence of the sunrise; and we think every devout Roman Catholic should consider well, while yet there is time, that if we tell the Roman subject, that the Papal religion requires his permanent exclusion from political freedom, he will purchase the freedom and pay the price for it.

But this personal incapacity of the sovereign to discharge the essential duties of the head of a constitutional State, or indeed of a State at all, is but a narrow form of a much larger question. The old controversy of centuries stands before us: how are the ecclesiastical and civil powers to agree? that is, in the only sense in which they have agreed heretofore: how are they to arrange for the settlement of their differences? And now there is no doubt that we are dealing with real not speculative difficulties. For, first of all, here is a caste which has been in possession for eight hundred or a thousand years; and has during that time pretty well feathered its nest in laws, in privileges and exemptions, in possessions, and in usages. Numerically strong,

for they are many scores of thousands, they are morally stronger from their political advantages, from the public veneration for their function and faith in its efficacy, from the good deeds and pious offices of many among them, especially the parochial clergy, and from close association of interest and community of feeling with the same class, which may be counted almost by millions, throughout the wide extent of the Roman Catholic communion. Consider the huge properties\* possessed by this class in the Roman States. Consider the legal immunities, the privileged inequality of social *status* which they enjoy. Consider that in the Roman States alone of all the Italian mainland, the huge broom of the French Revolution, and its career of conquest, failed to sweep away for good the previously existing system of jurisprudence: that the Canon Law bodily, and in its widest amplitude of sense, is the supreme-law of the country. The Government must be in whole or in part ecclesiastical; and ecclesiastical persons must not be responsible to lay tribunals. Liberty of conscience, the sure attendant upon free institutions in their second stage if not in their first, cannot stand with the Papal crown. The doctrine that the Church has no temporal power, has just been denounced from Rome, and this when taught not in Rome itself, but at Turin. How, in the name of common sense, is a Constitutional system to work under these conditions? Are the Roman Deputies to be restrained, for example, from passing any Bill that will affect Church property under any circumstances? Well, but if they do pass it, they will incur the penalty of excommunication, which it will be the duty of the Pope himself to fulminate against them. Are their secular hands to remodel the Canon Law? or, are they only to pass such measures as may be consistent with it; that is, are they to be nothing more than an overgrown municipal corporation for enacting bye-laws, to run through the whole Roman State, where no higher authority prevents them? Nay, it will be replied, but the Pope is supreme even over the Canon Law, and when he gives his sanction to a Bill, its authority will become absolute and supreme. The Pope! he is the great Canon Law manufacturer. Off his own bat, or with the aid only of the cardinals appointed by the Papal chair, he is continually adding to the *corpus* of this Canon Law. His Parliament then is to send Bills up to him, which he is to throw back again, as Munchausen, when he was fired upon, caught the balls and flung them back like pellets; he is to say 'Gentlemen, 'I am very sorry for it, but this is against the Canon Law.' 'Nay, *Santità*, but we think not; surely the matter is one of 'property, one of police, one of finance, one of civil right,' as

the case may be. 'That, gentlemen, is your opinion, but not mine; so you will please to go about your business.'

*Solventur risu tabulæ ; tu missus abibis.*

Here we impinge upon a dilemma hard as adamant. If a Roman Parliament be content to acknowledge that it has no authority to touch a system of law, whose meshes cover almost every concern of every class in the country, and that an ecclesiastical person is finally to judge on each occasion whether the conflict of jurisdiction has arisen, it would itself be no better than a machinery for maintaining and propagating systematic imposture. But if, on the other hand, it were animated with the spirit of liberty, and determined upon exercising all the essential functions ascribed to the civil power by the law and practice of Christendom, then no Constitution could stand for twelve months the shocks and convulsions to which such a distribution of power would give rise: a war of elements, fiercer than ever shook the firm-walled cave of *Æolus*, would rend to tatters every leaf of such a Constitution, almost before its ink was dry.

Even were the proposition admitted by the Roman Church, that she ought not to meddle in secular affairs, and that they ought to be left to the exclusive discretion of the civil power, we well know, even without going further than the history of the last ten years in Scotland, what great difficulties are to be encountered in settling the mere question of fact, and applying an uncontested principle to circumstances read by different parties each in their own sense. But the Roman Church makes no such admission. She never has withdrawn or qualified the most extreme of her former declarations on the subject of her general authority so to interfere. And, as to the Roman States, she has reasserted it in the most frightful form, only three years ago, by launching an excommunication at her temporal subjects for their strictly temporal act of electing a Constituent Assembly.

We cannot, therefore, look for the introduction of a *bonâ fide* Constitutional system into the Roman States because of those impediments to its free action, inherent in the nature of the Papal power, which appear, in the abstract at least, insurmountable.

Can we, however, as often happens in human affairs, fly for consolation from stubborn philosophy to accommodating practice? Does the actual history of the Roman States encourage us to hope that these impediments, if not surmounted, may be circumvented, and that the good sense of ministers and sovereigns, the moderation of the people, with the friendly urgency of Foreign

Powers, and a stiff pressure in the shape of political and financial difficulties attendant on the working of the present system, may amalgamate all in some middle term which, however remote from the ideal, may serve the purposes of every day wear and tear?

Unfortunately, in passing from the sphere of argument to that of history, we do but go from bad to worse. Thirty-six years have now revolved since the restoration of Pius VII. We have had, within (though not throughout) that time, good sense in the ministers and the sovereign, and moderation in the people, and the friendly urgency of Foreign Powers, and all the pressure imaginable from financial and political embarrassment; but no real Constitutional system, and no real approach whatever to the solution of the difficulties attending the operation of one.

In the matter of good sense, we shall have to wait long before we see a Pope and a Minister jointly possessed of so considerable a stock of it as Pius VII. and Consalvi. Yet that reign witnessed the adoption of a measure far more adverse to constitutional liberty than any simple enunciation of the doctrines of despotism would have been; the re-establishment of the order of Jesuits: not only on account of what that order is in itself, but of what it indicates, symbolises, and sums up: the covetous, domineering, implacable policy represented in the term Ultramontanism, the winding up higher and higher, tighter and tighter, of the hierarchical spirit, in total disregard of those elements by which it ought to be checked and balanced, and an unceasing, covert, smouldering war against human freedom even in the most modest and retiring forms of private life and of the individual conscience.

As to the moderation of the Roman people, we must say there has, on the whole, been little ground for complaint. Upon this subject, let any dispassionate man read the Manifesto of the Rimini insurrection in 1845, which will be found in the ninth chapter of the first book of Farini's History. Bearing in mind the fulness of its statement of grievances, and the severity of their character, we cannot find words strong enough to praise the temperance of disposition which was evinced in framing the list of their demands. Even the people of Rome itself, we must say, considering the inordinate doses of political alcohol which Pius IX. himself incessantly administered to them from July 1846 to May 1848, are not, upon the whole, to be censured in respect of moderation. Castellani, the republican Envoy of Venice, so late as the middle of December 1848, when the convocation of a Constituent Assembly had been proclaimed, wrote to his



Government, that there was no popular enthusiasm for such an object, no hatred to the Pontiff.\* If the Romans acquiesced in the proclamation of a Republic, they did so at a time when their Sovereign was notoriously intriguing with the Powers most adverse to their liberties, when he obstinately discouraged, or of set purpose evaded, all attempts and all measures necessary to bring about his restoration on the Constitutional basis, and when he had solemnly excommunicated every man who had in any manner whatever† ‘molested, infringed, or usurped’ his temporal authority. But the population of the Roman States are not represented by Rome. Bologna, and the northern provinces, think for themselves. More remote from the immediate influence of Papal and clerical sway, they are more intelligent, more wealthy, less impulsive, more moderate. Separated by distance and by mountains from the capital, they are more widely separated still in social and political respects: they think for themselves, and appear to be as fit for free institutions as the people of any portion even of Northern Italy.

Neither has there been wanting the friendly urgency of Foreign Powers. The celebrated Note of May 1831, which will rise up in judgment many long years hence, not only against the Papacy, but against most of those who signed it, recommended two fundamental changes: first, the giving the higher civil offices to laymen; secondly, the creation by indirect election of a body to vote the taxes and control their expenditure. It was presented on behalf of the five great Powers of Europe: and it must be supposed that, at the time, they were acting with sincerity. But it obtained from the mulish Government of Gregory XVI. absolutely nothing worth having: and when England alone, to the great honour of her Foreign Minister and Government, on retiring from the Conferences in September 1832, protested by the mouth of Sir George Seymour against the non-fulfilment of the recommendations contained in the memorandum, while the other Powers receded from their purpose and their pledge, the door closed for ever, as we fear, on any hope of relief for the Roman people in the shape of gradual reform, by the agency of the Papal Government, and under the countenance of the great Powers of Europe.

In most cases, however, it must be admitted that, as dyspepsia is the immediate occasion of good diet, so it is the stiff or rough and disagreeable working of the political machine which

---

\* Farini, B. iv. ch. viii.

† Monitorio, of Jan. 1. 1849. Farini, B. iv. ch. vi.

leads to the reform of abuses. Of this incentive, this kind of aid to virtue, the Papal Government has, in all conscience, had enough. Four rebellions marked the fifteen years of the reign of Gregory. Not one of them was put down by the Government. It was a matter of course, when the people rose, for the indigenous troops either to join them or to look on. No reliance could be placed but upon Austrians and Swiss. It is sad to see the track of the Head of one half of Christendom marked glaringly in blood: it is yet more melancholy to look back upon the abominable cruelties and shameless prostitution of the so-called judicial proceedings by which the balance of account with the insurgents used subsequently to be settled. Meanwhile, there was another very legible little bit of handwriting on the wall: it was simply DEBT. Now debt is bad enough in England, where it has grown with growing industry, wealth, and empire; but what is it in a State where it is the only thing in a state of progress?

Farini has given us details respecting the debt of Rome down to 1846. In 1801 it was 74,000,000 crowns: pretty well for a country which during some two centuries had played no part in European warfare. But the Gallic sponge was employed with great effect in 1811, and the Exchequer made a new start: so that the Papal Government at its restoration set out with an actual balance at its credit.\*

For about eleven years the finances were kept straight, and the stock of money in the coffers of the State would appear to have increased.† But from the accession of Gregory, debt began to be created at a fearful rate; and in 1846 it amounted to thirty-nine millions of crowns, or nearly eight and a half millions sterling. Now this was in a country with a nett revenue of less than seven million crowns, or not 1,500,000*l.* To appreciate, therefore, the capacity of a clerical government for the management of finance, we should observe, that in fifteen years they created national debt to the amount of nearly six years' income: the case would be parallel in this country, if, since 1837, we had added 300,000,000*l.* to our national debt. The annual charge of the debt considerably exceeded five per cent. Now these facts are of themselves a *reductio ad absurdum* of the sacerdotal government. Much of the war and debt of Europe (as, for instance, where conquest has been sought with a view to commercial aggrandisement), have been nearly related to those sources of energy, which make it possible to bear the

\* Farini, B. i. ch. xi. (Transl. vol. i. p. 144.)

† Farini, B. iii. ch. iii. (Transl. vol. ii. p. 54.)

dreadful incubus. But the case of the Roman Government is that of a sheer and pure spendthrift, who cannot, for the life of him, make both ends meet; and of whom it is mathematically certain, that though he is unable to correct himself, yet insolvency both can and will put an end to his career.

The space at our command renders it impossible to pass in review the events of the earlier or theatrical stage of the reign of Pius IX. This history has been written by Farini with great clearness and sagacity; with a perfect appreciation and a masterly, though an over favourable description of the character of that Pontiff; and at the same time, with a tenderness for him which belongs to the natural feeling of a gentleman, mindful of close relations with, and kindly treatment from, a personage of exalted and venerable station. We must give a part, at least, of the picture which he draws.

‘Pius IX. had applied himself to political reform, not so much for the reason that his conscience as an honourable man and a most pious Sovereign enjoined it, as because his high view of the Papal office prompted him to employ the temporal power for the benefit of his spiritual authority. A meek man and a benevolent Prince, Pius IX. was, as a Pontiff, lofty even to sternness. With a soul not only devout, but mystical, he referred everything to God, and respected and venerated his own person as standing in God’s place. He thought it his duty to guard with jealousy the temporal sovereignty of the Church, because he thought it essential to the safe keeping and the apostleship of the Faith. Aware of the numerous vices of that temporal Government, and hostile to all vice and all its agents, he had sought, on mounting the throne, to effect those reforms, which justice, public opinion, and the times required. He hoped to give lustre to the Papacy by their means, and so to extend and to consolidate the Faith. He hoped to acquire for the clergy that credit, which is a great part of the decorum of religion, and an efficient cause of reverence and devotion in the people. His first efforts were successful in such a degree that no Pontiff ever got greater praise. By this he was greatly stimulated and encouraged, and perhaps he gave into the seduction of applause and the temptations of popularity, more than is fitting for a man of decision, or for a prudent prince. But when, after a little, Europe was shaken by universal revolution, the work he had commenced was in his view marred; he then retired within himself, and took alarm. In his heart, the pontiff always came before the prince, the priest before the citizen: in the secret struggles of his mind, the pontifical and priestly conscience always outweighed the conscience of the prince and citizen. And as his conscience was a very timid one, it followed that his inward conflicts were frequent, that hesitation was a matter of course, and that he often took resolutions even about temporal affairs more from religious intuition or impulse, than from his judgment as a man. Add that his health was weak and susceptible of nervous excitement, the dregs

of his old complaint. From this he suffered most when his mind was most troubled and uneasy; another cause of wavering and changefulness.\*

From this account will be drawn a just general idea of the spirit in which the Pope set about his business. He had the humanity of a man, or rather a certain feminine susceptibility: but this, and an ardent longing to see the Church float buoyantly upon the very crest of the wave, were in truth his whole stock in trade as a reformatory prince. It is only fair to him to say, that he got almost maniacal applause, and, indeed, perfect deification, even from such men as Gioberti, taken up and echoed throughout the world by that public opinion of the moment, which is so bad and delusive a barometer of the ripe and settled sentiment of the European mind. This applause put him past himself, helped or rather forced him to be a great impostor, and even led him to commit some of the grossest political *bêtises* on record; such, for example, as the incredible Letter which he wrote to the emperor of Austria in the character (*sic*) of the 'Prince of Peace,' to recommend his surrendering his Italian dominions, at the very moment while the papal troops under Durando and Ferrari were in the field against Nugent, and Corboli Bussi had been sent to the camp of Charles Albert to place them formally under his orders as Commander-in-chief. Summarily, however, and without details, we shall give some few reasons for asserting that the attempt to reconcile the papal monarchy with constitutional freedom, was a total and even an ignominious failure. It was such, because the two supreme wills united in the Pope's person made it impossible for him to be upon terms of real confidence with his ministers. On the 29th of April, 1848, he published the Allocution, which indicated the change in his politics, and was the true turning point of his career. By this Allocution he receded upon hierarchical grounds from the general policy on which he had unquestionably entered, and from the anti-Austrian policy which he had no less certainly, though to himself, it seems, alone of all men alive, not evidently, embraced. How, we may ask with curiosity, did he get over this enormous difficulty with his ministers? He disposed of it just as at the outset we said that the Roman Government gets over the difficulties of the conflict of jurisdiction between Church and State,—that is by abolishing, by ignoring the State altogether. Not one word of this measure did he mention to his ministers. They first saw in print, with the rest of the

---

\* Farini, B. iii. ch. iii. (Transl. vol. ii. p. 68-9.)

† Farini, B. iii. ch. vii. (Transl. vol. ii. p. 136.)

world, that which simply turned their position topsy turvy. Even Antonelli, though a cardinal, yet, because he was then a minister, was kept in the same state of ignorance. The death-struggle was indeed prolonged for a time, but this was the death-blow: the death-blow to a Constitution dated on the 14th of March, was dealt no more than six weeks later, namely, on the 29th of April.

Indeed this Allocution brought to issue, in the clearest manner, the principal difficulties we have been discussing. The Roman subjects thought it for the interest of their country to join with heart and hand in the war of national independence; and the Pope had given them no ground to anticipate that he would oppose their wishes. But Austria met him with the threat of a schism if he persevered; and with the promise or prospect, since realised, that she would surrender a large part of the ecclesiastical liberties, established by Joseph II., if he would draw back and throw himself into the cause of reaction. We will not say the bargain was struck, but the barter certainly was effected. To avert an ecclesiastical peril, and to gain an ecclesiastical advantage, the Pope conscientiously sold what his subjects thought the most vital of all their civil interests.

It is vain to ask whether the Roman people were right in the view they took. For in the first place, Pius had gone much too far already, in what he facetiously termed sending his troops to defend the confines, at a time when the army of Austria was in full retreat even from her own dominions; and, in the second, the principle of constitutional government means that a people is to manage its own concerns, not that it will never make a mistake in the management.

Now the 14th of March, 1848, he it observed, was the real date of the Roman Constitution. It sprang not into being until Naples, Tuscany, and Sardinia had anticipated the gift, and stripped it of its grace. For nearly two years, indeed, Europe had been almost pestered with the news of the Pope's civil miracles; and he had contrived greatly to quicken, in all the countries of the Continent, the revolutionary pulse. But the history of that period is, as to solid constitutional privilege, summed up in the proverb, 'much noise, little wool.' By the amnesty, which was a wholesale liberation of all the persons condemned under judicial sentence during the last fifteen years for four separate rebellions, the Pope pronounced, however little he may have thought about it, the bitterest and most emphatic sentence of condemnation upon record against the whole political system of his predecessors; and when he did this, he ought to have seen that he broke the bridge and burned his ships, that

he had cut off his retreat, and could no longer be entitled to turn back and shelter himself under the condemned traditions of the Papal Government. By the foundation of the National Guard, with a strange inversion of natural no less than of logical order, he placed the effective control of the State by means of force in the hands of the people, before he had recognised their rights by the institution of any Legislative Chamber, and even while the ministers were still Cardinals and Monsignori. By commissions upon every imaginable subject of inquiry, he had stirred up warrantable expectations which common sense should have taught him he must in great part fail to gratify; so that he lived systematically on credit, and he spent each day a treasure of popularity which he had not earned, but which was to be earned by some future and as yet wholly unshaped and unimagined performance. To say all in one word; the sum-total of the political privileges and franchises conferred by this Pope Thaumaturgus during the season of idolatry, was less than had been recommended in 1831 to Gregory XVI. as essential to the tranquillity of the Roman States, not only by the constitutional governments of England and France, but by the despotic ones of Russia, Prussia, and Austria. Nay, this very circumstance he himself pleads for his own justification as towards Austria, in the Allocution of the 29th of April, 1848.\*

The Constitution, which came at last by compulsion, and which was so soon to die, could not, we may be too well assured, have lived and worked even in smoother times. Under its provisions the Parliament could pass no bill contrary to any part of the Canon Law†, no bill touching matters ecclesiastical, none touching matters mixed, in a country where the department of mixed matter has a width such as we can ill conceive. But besides these preliminary incapacities, every bill was to pass from the Parliament, popular, responsible, and acting in public, to the Consistory of Cardinals. This opaque body was to stand between the Parliament and the Throne, as a third legislative chamber, only with no popular element, no responsibility, no publicity, and a large portion of its members foreigners and non-residents. And this body was to deal as it pleased with bills affecting, be it observed, no spiritual and no mixed matter, but such as were to touch exclusively temporal concerns.

The question when such a structure, as the Constitution granted by Pius IX. in March 1848, was to tumble, was one of

---

\* Transl. Farini, vol. ii, p. 107.

† Art. XXXVI. Transl. of Farini, vol. i. p. 378.

hours, days, or weeks,—one of years it could not be. Nor let us say this question might be tried over again. Such is not the law of the life of States. In politics, no experiment is ever tried over again. The shifting of circumstances always makes each problem virtually a new one. But especially these large, comprehensive, and vital questions, when once brought to issue, must abide the consequences. It was not in the power of man to erect anew the monarchy of Charles I. or of Louis XVI., and see whether, by avoiding this error and that, a different result for the process could be obtained. Nor can it be done for Pius IX. No wave on the great ocean of Time, when once it has floated past us, can be recalled. All we can do is to watch the new form and motion of the next, and launch upon it to try, in the manner our best judgment may suggest, our strength and skill.

It was not, however, in Rome, as it has often been in countries under the process of revolution, that, when once the movement has got the upper hand, the violent party swallows up all the more moderate sections, and things rush furiously to extremes. Nothing to us is more remarkable in Italian politics than the broad distinction and sharp dissensions between Constitutionalist and Republican, even in this the day of their common prostration and distress, much more then when they were at the summit of Fortune's rapid wheel. When the Pope had left Rome, without having made an effort to perform his duty or vindicate his dignity as head of the government after Rossi's abominable murder, the Constitutionalists stubbornly adhered to their own ideal of a limited monarchy, and never abandoned it until the French forces had set foot on their shores, and the main issue had passed wholly beyond their reach. They are naturally, and not unreasonably, charged from the liberal point of view with having divided the forces and weakened the vigour of the cause; but at any rate they deserved better treatment at the Pontiff's hands. On what principle is it possible to justify or to view, without indignation, his refusal to receive the delegates sent to him by his own Legislative Chamber and the municipality of Rome to entreat him to resume the functions of his sovereignty? These bodies were guilty of no offence against him. The plea or reason of his quitting Rome was the insecurity of his person through mob rule in the city. But that, if discreditable to the Legislative Chambers, was far more so to the Executive, and to himself as its head. He made no effort for the maintenance of order, no effort to avenge the death of Rossi, a martyr to his cause: and his conduct raised the presumption that he was waiting for the occasion to break with his people, and disposed to create rather than to avert the crisis. Why, during the

months of intrigue that followed, did he either refuse or evade concurrence in every plan proposed by France (for her rulers did not all at once lose the sense of shame), by Piedmont, and by the Constitutional party in his own States, for his restoration on the basis of a limited monarchy? When the people of Florence effected with their own hands a restoration of that kind for Tuscany, why did not the Court of Gaeta, which by means of the Pope's excommunication had got hold of the timorous conscience of the Grand Duke, encourage him to close heartily with that restoration, and use the opportunity it afforded for promoting an accommodation of the same kind in Rome? It was certainly owing to that Court itself that Pius IX. did not return to Rome with the free choice of his subjects. And why was it that he, or those who thought, examined, and judged, who were eyes, ears, and hands for him, would have no return except upon the footing of a perfect despotism? Because they saw what we now argue, that the Pope's temporal power and civil liberty could not stand together; and because they felt that it had grown too late to pretend that they could. Their duty, indeed, would have been better discharged if in good faith they could have given to the constitutional system a fairer trial; the experiment should have been played out. Still, in blaming them, let us be careful what it is we blame. They are not to be censured because they did not resort to that game of duplicity which seems to be the great *arcantum* of government itself in most of the Italian States. But they are to be tried and judged as men engaged in the deliberate and wilful oppression of three millions of their fellow Christians, for the glory, honour, and welfare of the Christian Church!

The temporal power, then, of the Pope cannot, as reasoning and history alike assure us, accommodate itself to the constitutional system of government, or accede, in good faith, to its main conditions.

The case standing so, can or ought that power to endure?

If it does remain, then, in the first place it is plain that it condemns the inhabitants of the Roman States to a perpetual condition of political serfdom. This particular people is, it seems, elected to an everlasting as well as an involuntary martyrdom, for the behoof of the Roman Catholic world. The compensation is found, forsooth, in the wonderful glory which attaches to the subjects of the Pope as such, in their dignity as placed at the head-quarters of Roman Catholic ceremonial, in the resort of strangers to Rome, and in the share of that interest and veneration for the place which may be supposed to be reflected on the people. The ingenuity of certain French orators has not



shrunk from grappling with the paradox, and erecting it into a principle, a philosophy, an essential part, though not the whole, of a religion. An essential part: for we are now gravely told, that the temporal power of the Pope is indispensable to the safety and vitality of the Roman Catholic Church, inasmuch as without that temporal power, the Pope cannot be independent. Such is the case made for the perpetuation of this gross and oppressive, this corrupt and corrupting anomaly. Now many extravagant constructions have been given to the words of our Lord, 'My kingdom is not of this world'; but, after all, they must have some meaning or other: and we defy the wit of man to give them one which will consist with the position that a civil autocracy over three millions of men is indispensable for the security of the Christian religion; unless, indeed, they say that the Pope's government is a kingdom not of this world, because it is a very great deal too bad for this world.

Well, then, we are told it is no hardship to the Roman subjects to be debarred from the political liberties which they intensely and all but unanimously desire, which they are undoubtedly able (if only left to themselves) to obtain, and for which no other people is entitled to pronounce them unfit; and likewise to be liable, on civil and political grounds, to be visited with exclusion from the Sacraments and Church of Christ, because of the dignity, and so forth, which they get in return. Now were this argument good, its application must be limited to Rome and those happy individuals who keep post horses on the roads leading to it. Five or ten per cent. of the Pope's subjects may, in some sense or other partake of this feast of the Barmecides: but what is that to Bologna, to Ferrara, to Ancona, in fact, to the other ninety or ninety-five per cent. of the people of the Ecclesiastical States? In what imaginable way do they profit by the splendour of the Roman see? All they know of it is, that it subjects them to the dominion of nearly the most corrupt, and altogether the weakest and most contemptible, government in Christendom.

But it is needless to dwell at any length upon this ludicrous doctrine of compensation. The sacrifice of things seen for things unseen is, indeed, not only reasonable, but the highest reason. Still it must be both an individual and a voluntary sacrifice. It cannot be done wholesale. It cannot be imposed upon the agent by a third party without the instant evaporation of all its savour. It then becomes an act of oppression, only differing from other acts of oppression in this, that it begets in the mind of the sufferer a certain and powerful revul-

sion, not against the doer of the wrong only, but against religion, which has been its cloak and plea.

That, however, which renders the continuance of the Papal throne for ever so short a time possible — that to which its existence at this moment is owing, — is not this silly doctrine of compensation, but an opinion, widely spread through Europe, that the temporal power of the Pope is necessary to his independence as the head of the Roman Church. This is not only an opinion of Roman Catholics; it is also the opinion of some politicians not Roman Catholic. But it is a sentiment which has wholly outlived the state of facts to which it properly belonged.

It may, in some sense, be admitted that for many generations the temporal power of the Pope did contribute to his spiritual independence, more than it derogated therefrom. Perhaps the broader and truer form of the statement would be this: whatever the evils and scandals of his temporal power, his ecclesiastical headship, such as events had moulded it, could hardly have been maintained without this stout material buttress. The Eastern patriarchs have, indeed, held their position. But it has been one of comparative inaction within spheres far narrower, and in contact with moral elements far more quiescent: nor can we say how far the indirect influence of such a fact as the existence of the Popedom in its mediæval and regal form may have operated in their aid, as the great tree shelters and supports the smaller ones in its neighbourhood.

But then the regality of the Popes in the middle ages was not the sickly and consumptive plant, which so many nurses are now laboriously tending under glass. It was rude, hardy, manful, like the rest of the European monarchies; it came down into the arena, and claimed its fair share in the rough game of politics. Impotence and anarchy may indeed have been its characteristics as an instrument of civil government, when its internal condition was examined; but in the days of its Gregorys and Innocents, its Alexander VI. and its Julius II., it stood as a reality in the face of Europe: it was no political pauper dependent upon alms: it went freely into the scuffle, and took its chance, sometimes undermost, as when Gregory died in exile, or Clement heard the clank of a gaoler's keys; but sometimes uppermost too. The Pope of those times was a real and a powerful integer among the various factors of the great European commonwealth. But he has now formally taken his place (we speak of him in the capacity of a temporal ruler,) as the great incurable of the world. And as there is no poor-law, under which nations can be rated in proportion to their means, for the sustentation of the impotent, the Papal monarchy is the great

mendicant, as well as the great incurable, of Christendom. And only by the alchemy, if such there be, which can convert positives into negatives, and make contradictions equivalent to each other, can it be shown that this fixed doom of beggary contributes to the Pope's independence. In fact the condition of a monarch who cannot sustain his own monarchy, is just the one condition on God's earth which must of necessity be one both of dependence, and, what is far worse, of miserable and shameful dependence. The recluse is independent from his poverty, the pauper from the provision the law has made for him, but a monarchy sustained by foreign armies, smitten with the curse of social barrenness, unable to strike root downward, or bear fruit upward, the sun, the air, the rain soliciting in vain its sapless and rotten boughs,—such a monarchy, even were it not a monarchy of priests, and tenfold more because it is one, stands out a foul blot upon the face of creation, an offence to Christendom and to mankind.

We were told by the Pope, when the Roman Republic fell, that he was restored to his throne by a 'glorious triumph of Catholic arms.' He who so estimates glory must have lost the power of estimating any thing at all. Four Powers, France, Austria, Spain, and Naples, ruling jointly near a hundred millions of people, or about one ninth of the whole human race, combined by their united efforts to reduce to subjection a country inhabited by three millions of men and totally unused to war: only however by the aid of the basest and most systematic falsehood in the principal agents. To this great iniquity England, we thank God, was not an assenting party. Something tells us that should an attempt be made at its repetition, she will make a further advance in the line of dissent. Some newspapers have not long ago reported that Spain has proposed a league of Roman Catholic Powers for permanently preventing, by force, the Roman people from altering their Government. But such things ought not to be believed until they are known. For the present we treat the rumour as the casual offspring of malignity or folly. But though the restoration has been effected, though the horse has been brought to the water, he cannot be induced to drink. The prisons are bursting with the multitude of their inmates; overwhelming foreign garrisons secure the terrible supremacy of what is in Italy called 'order'; but the annual expenditure cannot be covered; a military force cannot be raised; and as the arm of the country cannot be hired, so neither can its mind and spirit be overcome. In the Roman States, outside the limits of the clerical host, all who think and all who feel are opposed to the Papal rule. The Consti-

tutionalists who stood out for it to the last, Mamiani himself, who took a seat in the Constituent Assembly to defend it, and retired when it was renounced, himself in a recent publication has abandoned it. The able writer of the paper headed ‘All’ Europa’ would fain plead for the retention of the naked sovereignty in the person of the Pope, but with a complete separation of the powers, and a total extinction of the clerical empire in all other points. According to him the Pope should govern the State constitutionally, while it is plain he governs the Church absolutely. Now if this plan could be made to work, it would have an immense political advantage; it would dispense with the necessity of devising wholly new political arrangements for the Roman States. We greatly doubt, however, not only whether any such project could have been durable heretofore, but whether, at the pass to which matters have now come with the Papal monarchy, it could even be attempted. That monarchy is morally and socially weaker now than at any former period, and its weakness grows from day to day. Its supports are wholly artificial and mechanical, wholly of material force, and that, too, external material force. It is the mere corpse of what was once a government, set up and kept up by the hands of foreign invaders on a detested and crumbling throne. Such occupancy may last for an uncertain, but cannot last for a very long time. Yet let us not suppose that while it lasts it is simply neutral. Exhibiting religion to the people in conjunction with all that is most odious to them, and plainly apprising them that this load of injury and insult is cast upon them for the sake of religious interests, it is eating away their faith, and more and more isolating Christianity from those temporal and human interests of all classes of society, which, in the merciful purposes of its Founder and Head, it was designed effectually to promote.

And let it not be supposed, that because the Papal Government survived for more than thirty years one restoration, it will, therefore, have as long a lease after another. The difference between the two cases is broad and marked. During the period of the dethronement and exile of Pius VII., the Papal monarchy still retained the affection, at least, of the people of Rome. Here is the account given by Cardinal Pacca, of the excommunication of Napoleon:—

‘On the 10th of June, 1809, Napoleon published in Rome his decree for the deposition of the Pope. This the Pontiff met by a bull of excommunication. His agents posted this bull against the walls in broad daylight, at all the usual and most public places. At the three Basilicas of St. Peter, St. John

‘ Lateran, and Sta. Maria Maggiore, it was done when vespers  
 ‘ were going forward and the congregations gathering. Though  
 ‘ these emissaries were seen by very many people, not one was  
 ‘ discovered or arrested, either on the same day or afterwards ;  
 ‘ notwithstanding that the so-called *Consulta straordinaria* was  
 ‘ aroused to a pitch of frenzy, and made the most searching and  
 ‘ inquisitorial inquiries. When the news came to be generally  
 ‘ promulgated in Rome, it occasioned, I will not content myself  
 ‘ to say, universal satisfaction, but a perfect state of enthu-  
 ‘ siasm. . . .

‘ Neither did the people restrict themselves merely to the ap-  
 ‘ plauding the act of fulmination of the bull, but from that  
 ‘ moment the entire population adopted the unanimous resolution  
 ‘ to comply most scrupulously with its provisions ; and accord-  
 ‘ ingly on the Monday commencing the first week after its pub-  
 ‘ lication, almost the entire mass of inhabitants of the great  
 ‘ city manifested, by common consent as it were, their opinion ;  
 ‘ and every individual, high and low, who happened to be em-  
 ‘ ployed in the French service, either gave up at once his office  
 ‘ and made up his mind to sacrifice his salary, rather than incur  
 ‘ the censure of serving the new Government ; or applied at the  
 ‘ *Quirinale* for instructions, as to whether he ought or ought  
 ‘ not to retain his employment. Even the porters at the cus-  
 ‘ tom-house, and the very sweepers of the streets, absented  
 ‘ themselves from their posts on that Monday, and would do no  
 ‘ work.’\*

The assertion will hardly be questioned, that this is not so now. Even in 1849, the proofs of the alienation of the population of the Roman States from the clerical government were overwhelming, although, upon the other hand, the great bulk of them only accepted the republic from what they thought necessity. Of those proofs we will mention only a few. The municipal bodies were elected by the citizens of all orders, without the democratic excitement that attended upon a movement directed from the Capital, and were generally composed of men of the moderate party. But they all declared themselves in strong terms on two points, namely, against the clerical government and against foreign intervention. Again, when with four foreign armies in the country, no effectual demonstration could be got up by the people in their favour, it is idle to go further into evidence upon the question, whether the mass of the population were even at that time favourable to the Papal cause. The most important movement in that sense, which clerical and

Neapolitan agency combined could produce, was at Ascoli, near the Neapolitan frontier. But even this was finally put down by the inhabitants themselves.\* Lastly, on the 16th of May, the whole of the troops in Rome moved upon Velletri. Then were the guns on the ramparts without even a sentinel. Then was the French army close under the walls. And yet there was no rising among the people.†

To the foregoing historical extract from Cardinal Pacca, we will add one, in which he states his view of the possible abolition of the temporal sovereignty now attaching to St. Peter's Chair. He speaks to us with authority; for he had considered the question calmly, during the years of exile and even of imprisonment, and under the lights of experience. No favourable experience certainly: yet, notwithstanding, he anticipates the coming of a great monarchy, which might 'render it possible ' that the Pope might, even *though he were himself a subject*, rule ' over and govern, without any serious detriment, the entire flock ' of the faithful.'

He continues thus:—

' I was further confirmed in the above supposition, by imagining it possible, that even from the melancholy event of the ' cessation of the sovereignty of the Pope, the Lord might produce other and not slight advantages for his Church, and that ' the loss of the temporal dominion, and the greater part of the ' ecclesiastical property, would ultimately prove to be the means ' of removing, or at any rate of weakening, the degree of jealousy and bad feeling that universally exist against the Court ' of Rome and her clergy.

' I considered that the Pope, relieved of the weighty charge ' of temporal principality, that certainly obliges him to sacrifice ' too large a portion of his precious time to secular affairs, would ' be enabled to direct his entire thoughts and attention to the ' spiritual government of the Church; which, though thereby ' deprived of lustre, pomp, dignity, and the attraction of her ' temporal benefits, on the other hand, would have the advantage ' of numbering those exclusively who are zealous in the sacred ' cause among her ministers; those, who so long as they ' "*desire the office of a bishop, desire a good work.*" (1 Tim. iii. 1.) ' The Pope, also, would in future have less regard, in the choice ' of his ministers and councillors, to the splendour of birth, the ' solicitation of influential persons, and the recommendation of ' sovereigns, of whose Roman promotions it may frequently be ' observed: "Thou hast multiplied the nation, and not increased

\* Torre, p. 183.

† Mazzini, p. 14.

“ the joy : they joy before thee according to the joy in harvest,  
 “ and as men rejoice when they divide the spoil.” (Isaiah, ix. 3.)

‘ Finally, in our councils on ecclesiastical affairs, the fear of  
 ‘ losing the temporal benefits of preferment would cease to be  
 ‘ regarded as a motive, which, so long as it has a place in the  
 ‘ scale, is liable to turn the balance, and influence the rejection  
 ‘ or the adoption of a resolution by pusillanimous condescen-  
 ‘ sion.’\*

If now it were possible that this might happen under one great monarchy, reigning over Europe without check or rival, surely the difficulty and danger to the Church must be far less when the peace of Europe at large, and when, especially, the independence of all its minor principalities is maintained by the common interest of all the great Powers in watching and repressing every tendency to encroachment, most of all, if exhibited on the part of any one among themselves.

We do not undervalue the importance of what is called the independence of the chief of the Roman Church. His subserviency to any one or more Powers in particular, and as contradistinguished from others, is a great evil; and we heartily desire that every precaution should be taken against it. It is for this reason, among others, that we wish the day which is coming were come, and that he had ceased to be monarch of the Roman States. With a self-subsisting monarchy, if that were possible, he might be independent, like Belgium, or Sardinia, or Portugal. With no monarchy at all, he might be independent, if his position were so wisely determined, that he should require nothing but that fair protection against encroachment or intrigue, which, as we have said, it is the common interest and the joint practice of the great Powers of Europe to give. What makes him really dependent is, the monarchy on crutches, of which he is now the tenant, and which obliges him to be a petitioner for costly aid, such as is not and cannot be administered upon any legitimate principle of intelligible and equal application.

How is the independence of Sardinia secured, except by the reciprocal watchfulness and rivalry of interest between France and Austria in particular? How is the independence of Greece secured, against the possible intrigues of any of the three guaranteeing Powers, except by the natural and unfailing vigilance and the preventive measures which they would immediately produce from the other two? The case of Belgium, as against France, the case of Denmark as against Prussia, the case of Turkey as against Russia, the case of Egypt as against Turkey,

are all so many successive applications of one and the same argument. Once place the Pope in a condition, in which he will not, for his own purposes, have to ask from particular Powers boons that will place him, as he now is placed, in an attitude of subserviency, and he will be independent enough, perhaps more than enough, through the action of the same motives upon powerful States as are found sufficient for the protection of others. It matters not that in given circumstances France, say, or Austria, or even Russia, or England, might have strong reason to wish for a special influence over him. The stronger those reasons, the stronger will be the play of that natural and sufficient corrective, the jealous vigilance of other Powers. Nay, if the Pope now has, and indeed he has, some degree of spiritual independence, to what is it owing? Not to his monarchy, but simply to this, that the dependence in which his temporal power has placed him, is partially cured by the mutual rivalry of France and Austria, neither of whom will readily use their power over him by retiring, lest the vacant place should be occupied by the other. The Pope's real security, therefore, at this moment, though very partial and essentially short-lived, is in that play and counterplay of rivalry among States, of which, if wholly disencumbered of his political functions, he would enjoy the benefits far more fully and far more securely.

Since, then, the Papal throne could only be maintained by dooming the country to permanent helotism, and since the reason assigned for upholding it, besides being insufficient, has the further vice of being untrue, we conclude that such a throne must and ought to fall.

The only real argument for its maintenance is, the difficulty of finding any thing with which to replace it. We do not disguise the greatness of that difficulty. On the contrary, we are desirous to bring into the fullest view this undeniable fact, that it is such a difficulty as must grow from day to day with the growth of those democratic principles, which the present system is forcing with stove-heat to maturity. If we must purchase the Sybil's books at last, and if the longer we wait the dearer they will be, then the earlier we resolve, the better our economy.

Into the great question of the religious effects of such a change, we do not presume to enter further than to say, that if the present system be radically immoral and unjust, it is little short of presumption and profaneness to raise the question, whether the interests of religion require its maintenance. The mere politician may, on the other hand, have his misgivings about liberating the Pope from the restraints which his pseudo-regal position entails on him, and snapping a link which, whatever else



it is or does, unquestionably binds down to earth and its motions a vast hierarchical organisation even now not always found too manageable. At all events, we disclaim the intention of aiming a covert blow at the Church of Rome: and we distinctly fall back on the authority of one of the greatest among all her sons, of Dante, who has told us—

Che la Chiesa di Roma  
Per confondere in se duo reggimenti  
Cade nel fango, e se brutta, e la soma.\*

The one main and essential condition, which we regard as alone affording a hope of any sound and stable settlement of Roman affairs, after the fall of the Papal Monarchy, is this, that they shall be adjusted by Europe at large, and as an European question, so far as relates to the grand difficulty of all, the relation between the Bishop of Rome and the future State and people of the Roman territories. Firmly believing that the present miserable policy is laying up the materials of future convulsion, we look only for that solution of the existing problem which shall be most conducive to the peace and well-being of Europe. We therefore say frankly that, when the claim of justice on the part of the people shall have been satisfied, we must proceed to consider what is for the true interests of the Church of Rome. We assume, then, that the Bishop of Rome must still reside at his see. The precedent of Avignon warns, and does not invite: we cannot even have an Elban Pope. We assume that, resident in Rome, he would have his palaces and basilicas, with a large and handsome endowment, especially for the purpose of maintaining his ecclesiastical suite and council. Upon this endowment, and its conditions, hangs much of what pertains to his future security and dignity. It might be provided by the Roman State — by the Ecclesiastical corporations — or by European subsidy. But the last arrangement would open a source of future intrigue and undue influence. The present property of the Roman Government, and some portion of that of the religious corporations, might probably be found sufficient, without any dependence on the taxes of the Roman State, which, although we do not anticipate a reluctance on the part of the people to contribute, had better be avoided. But whatever the source of the provision, the one thing to be kept mainly in view is, that its payment should be guaranteed, either jointly or in given proportions, by the Powers of Europe parties to the treaty of Vienna. This guarantee would, of course, include a power of recovery against the Roman State; and might be so

---

\* *Purg.* xvi.

arranged that, though the responsibility as towards the Pope should fall first upon some one State, it should, if not taken up by that State, devolve upon the rest. The more complete the provisions for enforcing the liability against the secularised Roman Government, the more improbable would be the occurrence of a case requiring their enforcement. Upon the basis of this endowment, the Pope and his ecclesiastical advisers would be able, as within a separate precinct, to arrange and conduct their proper affairs. It is possible, that, from the complicated state of things which has grown up during many centuries, other matters affecting the clerical order and its *status* might be too difficult for local settlement, and might require more or less to be taken up by the Protecting Powers. But while, inside the guarantee, the Pope would be free, outside it the Roman State would be free also, and would handle any question touching the Pope or clergy with just as entire a discretion as though they were a foreign Government now negotiating with that of Rome.

As to the secular matters of the Roman State requiring foreign aid, they would be chiefly the questions of territory and the form of Government. Now the Roman dominions have neither so palpable a political unity as to make it clear that the existing delimitation should be preserved, nor so manifest a want of it as to make already evident the necessity of a change. Unless in the event of the manifestation of some strong desire in the legations for an alteration, it would probably be found expedient to keep the geographical limits as they are. As to the form of Government, it is plain that the establishment of a democratic Republic would, considering the strong mutual sympathies that run through the whole Italian people, be almost equivalent to a direct assault upon the monarchical Governments of the rest of the Peninsula. Probably there should be an attempt to found either something like the Sardinian or the Belgian monarchy, or a republic associating strong aristocratic and conservative elements with the dominant principle of election. This, at any rate, ought to be borne in mind: that in the Roman States the law of primogeniture and of entail is still in force, and the division of property, therefore, is cast in a manner favourable to mixture in the composition of the Government; while the nobility are in actual existence, and, as we judge from the history of the Roman Revolution, might well, if they showed themselves morally competent, vindicate for themselves a high place in political as well as social influence.

But there are two great difficulties, the existence of which we must not overlook, over and above those lying within the

four corners of the question itself. First, that all or nearly all those Italians who would concur in the abolition of the Pope's temporal power, insist upon regarding and treating Italy as what she is not, namely, a political integer, and therefore object to foreign intervention in the affairs of an Italian State. Secondly, that they likewise insist upon mixing up with every question of reform in their local institutions of Government, or rather, indeed, they place at the very head of the list, what is called the independence of Italy; that is to say, the ejection of Austria from her Italian territories, not by the efforts of her subjects to vindicate their own freedom, but by a holy war (so Farini, usually a most sober-minded writer, ever calls it), waged against her on the part of all the States of Italy. In other words, as we fear, they are determined, for this is the practical upshot of it, that they will have no good government for themselves in Tuscany, Rome, or Naples, without the preliminary of an European war.

We are not now about to enter upon any examination of these opinions; a deeply interesting subject, which would demand a separate discussion. Suffice it to say that they run through all shades and sections of recognised Italian liberalism, from Farini and Gualterio at one end, to Mazzini at the other: much as the Tories, Whigs, and Democrats of Birmingham are united in holding the exclusive orthodoxy of a paper currency.

All that we would say is this; that, although these opinions would probably govern any proceedings taken by the Italians themselves, they need not, and probably would not, lead them to resist the united will of the great Powers of Europe, acting together in a sense obviously favourable to regulated freedom as well as to the general peace. They are opinions, we fear, nearly universal in Sardinia; but they do not prevent the people of that State from setting an excellent example of loyalty and order, combined with freedom, to their neighbours. Besides, it is plain that the intervention of Foreign Powers to secure the Pope's spiritual independence in his relations with the Roman State, rests upon grounds separate and indisputable. It is only when we come to touch on the form of government and the territorial limits of that State, that we strike upon the difficulty. Why then encounter that difficulty at all? Simply, our answer is, because this mode of proceeding gives the only hope of a rational arrangement. So long as the Roman people are left to settle for themselves by revolution (the only way allowed to them) the question of the Pope's temporal power, they will settle it in one way<sup>s</sup> by a dethronement and a republic,

and some one or more European Powers will find it their separate interest to settle it the other way by a restoration. It is in truth by far too large and weighty for merely local adjustment; and the only form of adjustment not local which can be honourable, impartial, and secure, is, that it should be dealt with by the Powers parties to the treaty of Vienna, as what it really is, namely, a matter of strictly European concern in regard to the position of the Pope, and of a high necessity and utility, and true practical justice, in regard to the fundamental conditions of existence for the country.

Let us now examine the assertion, that the settlement of Roman affairs is the concern solely of the Roman Catholic Powers. In 1849 the meaning of this doctrine was, that the decision should lie with France and Austria, Spain and Naples. Now it should be considered who are excluded and who are included by this principle. It excludes at a stroke three of the five great Powers of Europe: England, Russia, and Prussia: of those Powers by whom, and by whom alone, European questions properly so called have of late years usually been weighed. It includes, on the other hand, Spain and Naples, neither of which can without qualification be called even independent Powers: the latter of them vibrating not only to every shock, but to every rumour, to every whisper, of change in whatever part of Europe, at the beck of Austrian and Russian influence even for the purposes of internal government, and depending on their armed strength in the last resort for the maintenance of what must be called, however abusively, her institutions. England, Russia, Prussia, shut out: Spain and Naples taken in: the first is foolish, the latter ludicrous. States never dreamt of in the settlement of ordinary European questions have but a feeble claim indeed to intermeddle with that which is the most delicate and difficult of them all, requiring at once the finest finger and the strongest arm. But if Naples and Spain are thus to interfere, where are Belgium and Sardinia? Do not, at any rate, allow the Roman question to become the game of those whose only title, as compared with others, to a share in it, must be the wish to intermeddle, to intrigue, to promote covert purposes, under the mask of such as can more easily be avowed. If Belgium and Sardinia be inferior in population to Spain and Naples, they are not so in strength, as they are certainly superior in intelligence and independence.

It is not in the dynastic sense that the phrase Roman Catholic Powers can here be construed. Were it so, the excision of France from the partnership must at once follow. Nor is it in the sense that they are States which, as such, profess and sup-

port the religion of the Church of Rome : because, again, from the trammels of all State religion France has professedly broken loose. The legitimate meaning can only be, that these are the States of which all or nearly all the subjects are in communion with the Pope. But why are the millions of Roman Catholics subject to England, to Prussia, and to Russia, to have nothing to say, through the medium of their Governments, to the Roman question, if it be a religious one, while they have the religious qualification, simply on the ground that they form minorities respectively in the civil relation to their rulers? This inquiry, however, opens up and detects the master fallacy. It is no religious question at all, whether the Roman people are or are not to enjoy ordinary civil and political rights, or whether they are to be condemned to perpetual helotism. That is a question of general justice, upon which every Christian and European State is entitled to have a voice. The special interest of the Roman Catholic as such, and therefore of Roman Catholic States in as far as they are tinged by his feelings, is rather in the nature of a drawback than a qualification for the settlement of this portion of the subject, the very first that meets us, one that must be settled, and one, moreover, that must be settled in the main on its own merits.

Was it, forsooth, that the pure and holy task of restoring Pius to his throne was fit for no other hands than those of the faithful, that this unworldly operation must be performed with unworldly motives by men who could and would lay it as a devout offering upon the altar of God? No fiction more gross could be palmed upon mankind. Austria was not at her old game of restoring order, or what in Italy is so called, but she could not bear a republic bordering on her dominions, and she had a special and vital interest in preventing the Pope from any relapse into that pseudo-liberalism which had already cost her so much. Naples was stirred in its two deep and tender passions : the love of absolutism, and the love of superstition ; the former, we presume, for the sake of its intrinsic beauty ; the latter, as a convenient instrument for stimulating the reaction, and rallying the lower orders of the people around a throne which they had ceased to revere. France and Spain were expiating their church-plunderings and re-establishing their orthodox characters at the cheap sacrifice of the freedom of the Romans. All this may be very well for those who like it : but no expedition ever was undertaken in which the preponderance of the visible over the invisible world was more marked and glaring, more unqualified and gross. Indeed, we know of no more lamentable instance of political profligacy than that committed by the

President of France, who, just before his election, declared, in a public letter, that he would not agree even to the intervention projected by General Cavaignac, and who, four months afterwards, was the man to give effect to the Oudinot expedition.

The Roman people themselves, it is obvious, seem to have no share in the anxiety that the settlement of their affairs should be in the hands of the so-called Roman Catholic States exclusively; for after the Pope's flight from Rome, in November, 1848, Mamiani, as minister, sent an envoy, Canuti, to invoke the mediation of England together with France between the sovereign and his subjects. And again, after the Republic had been proclaimed, the Constituent Assembly, on the 17th of April, addressed a solemn remonstrance on the subject of the Roman form of government and the threatened interference, to the Government and Parliament of England, along with those of France. In truth, the plea is one trumped up for the occasion, and does not even deserve a hearing. Neither Prussia nor Russia abstained from endeavouring to influence the proceedings at Gaeta. The infelicitous originality of Prussia was paraded on that field also, and she had a view of her own, which she urged, but in vain.\* Russia, as usual more to the point, sent an effective message that it must not be supposed she felt less interest than the Roman Catholic Powers in the restoration of the Papal Throne.† If England did not directly interfere, she has not forfeited her right to do so; and we trust that no settlement of this great question will take place in which her voice shall not be heard; assured, as we are, that, though this country is no more free than any other from the influence of mixed and secondary motives when she acts apart, yet her presence, to see fair play among Powers so much more accustomed to pursue purposes of their own in Italy, will be invaluable. She possesses, in a very high degree, the love as well as the respect of that affectionate people. Unlike the German, the Frenchman, and the Spaniard, she has never enriched herself at Italy's expense. Italy has known her chiefly as the enemy of the oppressor, and the champion of the fallen. Between her and us there are no accounts to settle, no wrongs to redress or to avenge. The separate entrance of England into Italian politics we are far from urging: but we utterly protest against an opinion which would reject the precedents of the Treaty of Vienna and of the Memorandum of 1831, in order to exclude her. If the instincts of tyranny or narrow-mindedness have prompted that opinion on the one hand, we do not believe

\* Farini, B. v. ch. x.  
VOL. XCV. NO. CXCIV.

† Farini, B. v. *ibid.*  
D D

that the people of Italy, on the other, would accept any award as the award of Europe respecting Rome, unless at its foot appeared a signature on behalf of that State which alone, in 1832, by refusing to acquiesce in the scandalous policy of Gregory XVI., proved at once her fidelity and her foresight.

We have thus endeavoured, with great rapidity, to traverse or skim an almost boundless field. Many of its tracts which we have barely touched, such as the details of the Pian reforms, the policy of France in 1849, the actual condition of the Roman States, and the enormous difficulties in which the friends of the popular cause in Italy entangle themselves by their views of the question of national independence, demand, and would well repay, the pains of a separate discussion. But we must close, with a recommendation to the reader to avail himself of the lights thrown upon Italian history and politics by the recent literature of the country. We do not refer only to well-known names, such as those of Balbo, Gioberti, and D'Azeglio; but to the yet more recent works of which we have given the titles at the head of this Article. Gualterio is of the Constitutional party, like Farini: his work abounds in valuable documents, and is, we believe, trustworthy, but it is too bulky for our common literature. Farini is admirable both for general ability and moral tone, and for the indulgent fairness with which he states the case of the Popedom and the Pope. In other matters, especially, for instance, when he deals with the more advanced shades of Liberalism, he can lay about him with considerable vigour; but, upon the whole, we believe that his history has quite enough of the judicial tone to secure to it the place of a high permanent authority in Italian questions. The '*Memorie Storiche*' of Torre, are the production of a writer about half way between Farini and Mazzini in opinion. They are written with a lively clearness, and with every appearance of sincere intention; and they contain important military details. Ricciardi's '*Histoire de la Révolution d'Italie en 1848*,' is the production of an intelligent, straightforward, and thorough-going Republican; and may be consulted with advantage, in order to obtain the prospect of the whole subject from his point of view. As a Neapolitan he deals most copiously with that portion of the case, which is well handled, in the Constitutional sense, by Massari, in the '*Casi di Napoli*.' As to the literature of the late struggle on the reactionary side, we know not where to look for it. The '*Ultimi 69 Giorni della Repubblica in Romana*' has absolutely nothing but extravagant party spirit to recommend it. But all genuine historical memoirs of Roman affairs well deserve a peculiar attention from English readers; for their im-

portance extends far beyond the range of mere local interest; they belong to a chapter of human history only now beginning to be opened, but full of results of deep and as yet uncertain moment to every country in Christendom.

ART. IV. — *An Investigation of the Principles of Athenian Architecture; or the Results of a recent Survey, conducted chiefly with reference to the Optical Refinements exhibited in the Construction of the Ancient Buildings of Athens.* By FRANCIS CRANMER PENROSE, Architect, M.A., &c. Illustrated by numerous Engravings. Published by the Society of Dilettanti. London: 1852.

THE title-page of this work is the only part of it against which we have to enter any complaint. Mr. Penrose says little concerning the leading ‘Principles of Athenian Architecture’; but he has presented us with an accurate statement of a number of facts which will prove to be of the very highest value in enabling us to arrive at a true and full estimate of those principles. The real scope of the present publication is thus indicated in the preface:—‘The work now brought forward may be described as a treatise on the systematic deviations from ordinary rectilinear construction, found in the principal works of Greek architecture, which arise out of, and pervade, the entire design of the building. The aim proposed is, first, the establishment of the fact of those deviations; secondly, the determination of their exact nature and forms; and, lastly, the bringing forward some views as to the theory on which they were founded. My object generally has been to fill up what has been left imperfect by Stuart and Revett.’ Mr. Penrose has performed the task which he proposed to himself in a thorough and masterly manner, and we can scarcely praise his work more highly and appropriately than by allowing its claim to be regarded as a necessary and complete supplement to the great work of Stuart and Revett.

The principal results of the Athenian investigations of Mr. Penrose were first announced in two short ‘Letters to the Society of Dilettanti,’ printed for the Society’s use in 1847. Since that time those results have become very generally known and appreciated among architects; and we believe that they were recently propounded, in a popular form, by Mr. Penrose, in the lecture-room of the Royal Institution. The circle in which the interesting facts in question are known continues, however, to be unduly limited; and as it is not likely to be



much extended by the present work, of which the high price and technical character must render its circulation almost exclusively professional, we shall be doing acceptable service to our readers by placing before them the leading facts and views which Mr. Penrose has established, omitting the vast mass of minute observations and admeasurements, which form the bulk of the work, and add immensely to its value for professed architects.

It must be premised that Mr. Penrose is not the first discoverer of some of the most remarkable of the facts he has treated of. He has, however, the merit of having been the first to appreciate and explain their importance; and of having established their real extent and limitations, with a thoroughness that scarcely leaves room for further investigation in the same direction. It should also be understood that the peculiar practices of Greek architecture, which are demonstrated by Mr. Penrose, stand, for the most part, distinctly defined and recommended in the great work of Vitruvius, which is, and for centuries has been, the text-book of the builder in the classical styles; though, strange to say, no modern architect has thought of putting them into practice, or even, until lately, of crediting the ancient architects, who were the teachers of Vitruvius, for having practised them.

We proceed to make a selection of the most interesting facts and views brought forward by Mr. Penrose, having first reminded those of our readers who may be disposed to condemn some of them as trifling, because they result from minute observations, that these facts and principles constitute almost the sole difference between the 'Greek Architecture' of London, Paris, and Berlin, at which few people care to look twice, and that of Athens, which fills all beholders with delight and wonder.

The principal fact, which has been finally established by Mr. Penrose, is, that, in pure Greek architecture, there are scarcely ever found either perfectly horizontal, or perfectly perpendicular, lines and surfaces. The Parthenon, on account of its perfect execution, and comparatively high state of preservation, was naturally the building to which Mr. Penrose directed his chief attention. The result of his observations, which were conducted with the most diligent and scrupulous concern for accuracy, are, with respect to that *chef-d'œuvre* of Greek architecture, mainly these:—

The sub-basement, representing the natural ground of the edifice, as if to prepare, by contrast, for the work of art to be raised upon it, is constructed to form a 'dead level,'—a term,

by the way, which is full of artistic significance. As soon as we come to the steps of the stylobate, or true architectural basement, the level is abandoned: 'the edges of the steps, and 'the lines of the entablature, which are usually understood to 'be straight level lines, are convex curves, lying in vertical 'planes;' the curves of the entablature being nearly parallel to those of the steps. These, like nearly all the curves adopted in Greek architecture, are found to be conic sections; the particular curves in question being parabolas, wrought with an accuracy, and a variety and subtlety of reference in their proportions, which must seem almost incredible in these days of 'striking effects' and cheap workmanship. These curves were discovered by Mr. John Pennethorne, and mentioned by him, for the first time, in 1837; and they were subsequently, but not very accurately, described by him, in a pamphlet printed for private circulation.

Mr. Penrose refers the curves in question, together with the numerous other minute 'irregularities' of Greek architecture, to certain optical illusions perceived by the fine sense of the architects, and gradually corrected by them. Without denying that some general theory might be formed to embrace all the optical corrections of Greek architecture, Mr. Penrose considers it 'more probable that the want of each correction was felt, and 'the correction applied, separately. And this will appear the 'more likely when we consider the very long period during 'which the Greeks were working out the perfection of the 'Thesum and the Parthenon: so that an amount of intellect 'unparalleled in the history of art was concentrated on a comparatively limited field, and time was given carefully to examine and obviate all the causes which tended, in practice, to 'disturb the lines of the architecture.' Mr. Penrose gives most ingenious and satisfactory accounts of the reasons which governed the architects in all their deviations from right lines and flat surfaces.

'There can be little doubt that the origin of the horizontal 'curve was to obviate a disagreeable effect produced by the contrast of the horizontal with the inclined lines of a flat pediment '... causing the former (*i. e.* the cornice) to appear deflected 'from the angles. As the line so affected is continuous, this 'deflection appears to take place in a curved line; and, within 'ordinary limits, it becomes the more apparent, the more acute 'the angle which the contrasting lines make to each other.'

The curves of the entablature on the flanks of the Temple are shown to be necessary consequences of those on the fronts; and again, the curves of the stylobate or basement are necessitated

by those of the entablature. In the pediments of the Theseum, the inclined lines are themselves very delicately curved: probably, as Mr. Penrose suggests, in order to correct the slight tendency to deflection produced by the curve in the horizontal lines.

Mr. Penrose attributes, the entasis or swell, which accompanies the taper of the Greek column, to the necessity of correcting the attenuated appearance of a tapering column built with straight sides. This appearance, which is an admitted fact, is attributed by him to: 1. The apparent hollowness in the sides of a frustrum of a cone or pyramid in any position. 2. An additional feeling of the same kind when that figure is employed as a column or pilaster to support weight. 3. Inequalities of chiaroscuro; the strongest lights coming upon the upper or lower parts of the shaft, and thereby making those parts in appearance relatively broader than the intermediate portion. Mr. Penrose affirms that the entasis in Greek architecture was not more than just sufficient to correct the above optical illusions. In another place, however, he allows that the entasis and horizontal curves have a value independent of their corrective efficiency. 'It cannot be doubted,' he says, 'that those travellers who have wondered that the fronts of the Greek buildings were *so much less dry and hard* than our imitations of them, must have felt (however unconsciously) the beauty of the horizontal curvature; and we may also feel satisfied that the effect of the entasis of the Greek columns in the Parthenon was felt long before its existence was actually established.'

No less curious and important are the deviations from the perpendicular in the *vertical* lines. These deviations are found in the *diminution* of the columns, in the *inclination inwards* of their axes, and of the walls and most of the other plain faces, and in the *inclination outwards* of the antæ, the faces of the abaci, acroteria, and coronæ: these points are thus luminously explained:—

'The diminution of the upper, or, as we may rather say, the enlargement of the lower, diameter of the columns, accords with the obvious mechanical principle that in any system of frame-work in which any member is required to resist a pressure acting at a distance from the point from which it derives its origin and support, (the strain being greatest at that point,) the chief strength also must be there provided . . . the recognition, either through innate feeling or from practice, of this principle, has become so much a part of our nature, that a pilaster built with parallel sides, as we not unfrequently find in Roman, and revived classical works, generally appears broader at the top than at the bottom.

'We may derive from this last consideration the necessity of the second adjustment, viz., the inclination of the axes of the columns. For since some portion, at least, of the effect of the diminution is neutralised and rendered, so to speak, latent, in overcoming the disposition to imagine an excess of breadth in the upper part of the shaft, the upper diameter of the column appears larger than it really is; whilst nothing prevents the upper intercolumniations, which are greater than those below, from producing their full effect. If then the axes of the columns are perpendicular, the distance from centre to centre between the columns will seem to be greater on the architrave than on the stylobate, especially towards the angles of the portico; and the columns will have the appearance of a fan-like divergence from the base line, unless this upper distance be diminished.

'The simplest manner of effecting this is by contracting the distance between the capitals of the extreme columniations, which contraction induces the inclination inwards of the angle columns, and of the entire colonnades of the flanks. Again, the application of the same principle to the columns of the flanks, necessarily leads to the inclination of those of the fronts.

'The remaining inclinations in the same direction, viz., those of the faces of the entablature, stylobate, and the walls, are necessary in order that those parts may correspond with the axes of the columns, and have, at the same time, *the effect of giving generally, to the whole construction, the pyramidal appearance so essential to the idea of the repose of strength*, whilst they do not differ sufficiently from the perpendicular to impair the expression of energy. The parts are made to harmonise with one another with so much art, that, on my first visit to Athens, although immediately sensible of an unwonted perfection in the Theseum and Parthenon, it was only after a considerable time, and careful study, I could assure myself that the unaided eye could judge which way the columns leaned. Had a single column alone been standing, there would have been less difficulty.

'The forward inclination of the antæ, which is observed in the Parthenon and Propylæa, but not in the Theseum, may have thus originated. When a tapering column, whose axis is perpendicular, is seen in combination with a pilaster or anta, of which the sides are also perpendicular, we shall find, if we examine with attention, that the column will appear as though it were thrust outwards at the top; and if the pilaster be diminished in the usual way, so that its face leans away from the axis of the column, this effect will be enhanced. The reason of this appearance is the contrast presented by the different directions of the face of the pilaster and the side of the column contiguous to it. And this contrast, in the Greek porticoes, would more or less neutralise the advantages obtained by the inclination of the columns.

'In the main porticoes of the Propylæa, the inclination forwards of the antæ is delicate, and appears exactly calculated to prevent their producing any effect upon the external columns immediately in front of them. In the antæ of the Parthenon, the angle of inclination outwards is nearly twice as great as in the Propylæa; and the axes of the

columns of the inner porticoes with which they are in juxta-position, although really perpendicular, are, by the influence of the antæ, made to appear slightly inclined in the same direction as those of the external columns. The outward inclination of the ante, considered in itself, does not produce any ill effect, for, by leaning forwards, to shorten the bearing of the architrave, it combines with the opposite inclination of the external columns in helping to express a pyramidal character.'

As many of our readers as have borne in mind the principles broached in our recent exposition of the 'Sources of Expression in Architecture,' will readily perceive the additional illustrations of those principles provided by the foregoing facts. Among other results of these facts, over and above their use as optical correctives, we would insist especially on these: 1st. The feeling of unity and self-completion arising from the absence of parallel straight lines — whose nature is such that they may be continued infinitely, either way, without meeting. 2nd. The effect of the outward inclination of the minor vertical faces; namely, of the abaci, coronæ, and acroteria, as foils to the pyramidal tendency of the major vertical faces of the wall, entablature and tympanum; that tendency being the first condition of good architectural expression in all styles, since it is, in itself, the most forcible expression of security and permanence, without which, in appearance, as well as in reality, no building can be rightly called architectural.

The most valuable portion of the work of Mr. Penrose is that of which it is impossible to present the reader with any abstract or summary. We refer to the detailed records of his laborious measurements, whereby he demonstrates an amount of care and a degree of perception upon the part of the Greek architects, which would be quite incredible in the absence of any less conclusive evidence than that which has been thus supplied. It is not often that the unwearying diligence, which Mr. Penrose has exhibited, in the pursuit of 'dry facts' is found in union with the highest faculty for the apprehension of artistic beauty, which has been also shown by him. The former power is that which he has the most abundantly exercised; but such remarks as the following are not unfrequent in his work; and they cause us to regret that he has not made more use of his ability to apprehend and analyse the subtlest æsthetical effects. Concerning the cymatium, or crowning moulding of the Parthenon, he writes:—

'This, I believe, is the only instance in the Athenian structures of the best period, of a convex moulding of which the section is circular; and it is not unlikely that no other curve could have been so fitly chosen for this particular situation: as, although the circle

may appear comparatively monotonous in composition, owing perhaps to a tendency to return into itself, instead of suggesting a sequence or flow of line, it may yet, for the same cause, be the most fitting to be used singly: and we cannot doubt that it was most happily chosen for the finishing member of the very highly artistic and well studied building which it crowns.'

Again, in summing up the results of his labours, he presents us with the following most significant observations:—

'In reviewing the entire subject treated of in these pages, when we reflect upon the studied harmony of the proportions, the delicacy of feeling evinced in the optical corrections, and the exquisite taste shown in the selection of the mouldings, and in the coloured ornaments, so far as they are preserved to us; and, above all, the unrivalled sculpture to which the architecture of the Temple served as a glorious frame-work, it must, I think, be conceded that the architecture of the Greeks is, humanly speaking, perfect. That is to say, if we keep clearly before our eyes the end they had in view, and without confounding their works with the failures which we, owing to our short-comings, and in copying their temple architecture for purposes for which it was never intended, have so generally met with, we are bound to confess that any considerable variation from their architecture and sculpture which we can propose would tend to mar their beauty.

*The limited aim which the Greek architects proposed to themselves was not owing to any want of invention, but to that consummate delicacy and judgment which required that whatever was attempted should be thoroughly achieved. In this respect we find a perfect analogy in the other arts of Greece.*

'Plutarch tells us that the scope of Greek music was limited, in the earlier times, not from any want of invention, but from design; and he expressly observes that the simple delicacies of treatment which in the better ages of art had amply supplied the place of variety of range, were not only lost, but absolutely unintelligible to the novelty-seeking moderns of his own time, of whom he complains that they were accustomed to call it a mere pedantry to attribute any meaning or value to the ancient manner,

'We can imagine almost the same words to have been used, a century earlier, by Vitruvius, to express his regret that the exact and subtle principles of construction to which he occasionally alludes, as having been in use among the ancient architects, were abandoned and forgotten in his day.'

In the presence of the mass of new matter which Mr. Penrose has placed before us, we feel that a perfect æsthetic analysis of the art of Greek Architecture is now, for the first time, possible. It is surely not a little to the credit of our countrymen that the task of disinterring the details of this long-forgotten art, was effectively commenced, mainly continued, and may now be con-

sidered as having been effectively completed, by them. Is it too much to hope of Englishmen that they will re-edify, at least in idea, the building of which they have thus laid the foundation, and gathered the materials? or will they leave it to others to supply that complete æsthetic estimate of Greek Architecture, which, after all, must be regarded as the proper object of such labours as those of Stuart and Mr. Penrose? In a late Article we pointed out the direction which we conceive must be taken in order to arrive at such an estimate, and this seems a fitting occasion for a few general remarks calculated to remove that repugnance and suspicion which most English readers exhibit with regard to the worthiest kind of æsthetic criticism; and which at present prevents those among us who possess the faculty of artistic analysis from exercising it to any important extent and purpose.

The subtlety and elaborateness of such criticism are the objections most frequently brought or felt, against its validity, --- very foolishly as it seems to us: for if the criticism of a work be the development of the principles and laws according to which, whether consciously or unconsciously, it has been produced, it is manifest that the refinement and depth of the criticism must be in proportion to the refinement and depth of the work, and that therefore the full analysis of any work of art, deserving to be called so, must be more complicated and subtle than the description of a block machine, or a steam printing press; and yet the principles of these are not to be mastered without a certain degree of difficulty, apart from the difficulty of mere technical language.

A work of art, if it be truly such, is the briefest possible expression of some fundamental idea; and a criticism, like a commentary, to be complete, must be fuller than the text. It is not wonderful then, that the examination of a work of which the significance, as we behold it day by day, seems only to be more and more inexhaustible, should be of a somewhat elaborate and complicated nature.

Criticism of the class in point is commonly charged with approaching to the 'transcendental.' Now this charge drops of itself to the ground unless it be also considered a fault that the works criticised should be transcendental; and all works of art are so, whether we choose to call this a fault in them or not. The 'transcendental' may be described as being that which is incapable of definition in words, although it is capable of being apprehended by the mind. A true work of art, containing as it always does, a suggestion of ideas and feelings which 'cannot be uttered,' must be described in terms which are, themselves,

often no more than suggestive; though they may, and ought to be, *more clearly* suggestive than the original work; because the artist, having a message to all times, and working with a due sense of the brevity of life, in himself and others, speaks as tersely as he can, and assumes a high degree of his own intelligence in those to whom he appeals. In this assumption he has been almost always, as yet, mistaken; so that it seems as if all the best art had been executed and laid up for a time to come. Hence the necessity for explanatory criticism, which flies round and round the thought, at which the artist darts directly; and to which he attains more nearly, although ordinarily he fails to express his attainment to the common run of minds.

It is a characteristic of the spiritual ideas which are the subjects of works of art, that they will brook no neutrality in their presence. Hence, in writing the criticism of a work of art, every detail left unexplained lifts up its voice against the validity of the critic's labour; and rightly; because every detail contains, or should contain, a correction of some under- or over-statement of the idea as expressed by the remaining details; and each detail, taken apart, is full of discord and deformity, and casts ridicule on our assertions of the unity and excellence of the work, until we have shifted it into its right position, wherein it stands explained, and becomes explanatory, like a piece in a child's puzzle picture. The extreme rareness of complete criticism is, thus, a principal cause of the popular repugnance to artistical analysis.

Other objectors, who will not be at the trouble to think deeply enough to condemn the subtler kinds of criticism as false, satisfy themselves with calling it useless or injurious, and with talking shallow plausibilities about 'inspiration,' 'unconsciousness,' &c. in the artist, and the excellence of uninstructed 'faith' on the part of the spectator, or auditor. But of all the absurd hypocrisies into which we moderns fall, through our desire to be right, and our slothfulness in refusing to consider and pursue the right way of being so, none is more fatal and more ridiculous than our efforts to be simple, unconscious, and uninquiring, in an inevitably subtle, conscious, and critical time. We have left the simplicity of childhood far behind us; and we are equally far from having attained to the simplicity of true manhood: but the way to attain to it, in art, as in all else, is not to make our follies and sophistications more hideous by the assumption of baby airs: the way lies distinct, though difficult before us; much hard discipline is to be undergone, before we can, in intellectual matters, attain to the pure conscience and faith



unfeigned out of which will spring the free love whereby we shall again produce and truly appreciate works of art. In the meantime, it is impossible, for many reasons, that virtue and power of any kind should be unconscious. It is *more* criticism and *more* consciousness, and not less, that we require. Criticism is said to destroy originality, and to make imitators of us; and it is quite true that a *little* criticism is, in this respect, a most dangerous thing. We must understand thoroughly, in order that we may *not* imitate.

The unconsciousness with which the great artist is supposed to work is a very widely felt objection against analytical criticism; but this objection vanishes when we consider the real nature of this asserted unconsciousness. It is not so much unconsciousness, as a forgetfulness of consciousness. A skilful pianist will play the quickest movement off at first sight: now he cannot be rightly said to be unconscious of all the regular, various, and rapid motions of his fingers; but those motions succeed each other with such velocity that the separate acts of consciousness leave no impression on the memory. So, the artist is vividly conscious of the laws by which he works, at the instant he is acting upon them; but those laws and their modifications are so numerous, and he has so little motive for caring about them after he has done his work by them, that he is apt to overlook the fact of their independent existence, and he himself is likely to be the first to promulgate what we have called the fanatic theory of art.

But the most formidable opponents to artistical criticism are those persons who, possessing fine instincts and sensibilities, with no great strength of understanding, have been disgusted by attempts to explain the inexplicable, and have failed to perceive that the misapplication of analysis to certain questions of art is no argument against its efficiency with regard to many others. We have already said that a true criticism of a true work of art must be, in part, at least, suggestive: the critic is sure to come to a point where definition ceases to be practicable; but at this point, definition ceases also to be necessary, or desirable. Most thoughtful people will have observed that those truths which are defined with the greatest difficulty are generally those which unthinking people will most correctly apprehend: because in exact proportion as truths approach to instinctive convictions, they become insusceptible of being described by means applicable to the description of truths which are *combinations* of instinctive convictions. These convictions are the postulates of life, and the data of action and of art. The grand error of sceptical philosophers, of revolutionary politicians, and of Ger-

man and Germanising critics, has been that of demanding data for the data.

Much good criticism seems unsatisfactory, if not false, because the critic has neglected, in the first place, to clear the subject from extraneous considerations. That which would be a just and satisfactory criticism of the Gothic Houses of Parliament, as a work of art, now, would be equally just, but probably would have ceased to be equally satisfactory, when they shall have become associated in men's minds with national glory or humiliation, with ideas of political stability or revolution, with memories of conspicuous individual fame or infamy; when centuries shall have touched the towers with the melancholy graces of decay; and haply the rebel's musket-ball may have left its white fracture, here and there, upon the weather-stained and frost-worn stones.

ART. V.—1. *Report of the Select Committee appointed to consider and suggest Means for facilitating safe Investments for the Savings of the Middle and Working Classes.* Ordered by the House of Commons to be printed, July, 1850.

2. *Report of Select Committee on the Law of Partnership.* Ordered by the House of Commons to be printed, July, 1851.

3. *Partnership en Commandite.* London: 1848.

4. *Industrial Investments and Emigration.* BY ARTHUR SCRATCHLEY. 2nd Edition. London: 1851.

5. *Law of Partnership and the Investment of the Savings of the Poor.* By H. BELLENDEN KER, Esq. London: 1850.

WE have often had occasion to remark on the obstacles and perplexities, the hidden perils, the opposing risks, the surprising and unforeseen dilemmas, which beset the path of active beneficence, especially when attempted on a great scale. The difficulty of doing good is at least equal to its luxury. To the conscientious and the thoughtful the path of philanthropy is one of briars and thorns. On the one hand lies the shame and reproach of witnessing a vast accumulation of misery without an effort to relieve it: on the other the danger—ever more clearly apprehended in proportion as our experience is wide and our inquiries deep—of aggravating the evil we attempt to mitigate. On the one side lies the sin of the Levite who looks upon the wounded and bleeding victim, and passes by, either in shrinking sensibility or in sheer despair: on the other, lies the risk, from ignorance or incaution, of pouring in oil which shall cause the

wounds to fester, and wine which shall stimulate the fever. It is no easy matter to steer between Scylla and Charybdis; and we should deal gently with the pilot—if only he be cautious and modest—who, in shunning one peril, incurs shipwreck from the other.

Sometimes, however, cases will occur to philanthropic effort, in which the preponderance of good is so evident and so great as to throw any casual and transient mischief into the shade, and make it of no account. Sometimes, too, a line of action suggests itself, in which, by a moderate amount of care, much benevolent service may be done without the violation of any moral principle or economic rule, and, therefore, without the risk of any counterbalancing harm which we are called upon to foresee. The providing and pointing out of safe and profitable investments for the savings of the frugal and industrious of the humbler classes seems to be one of these. It combines all the requisites and avoids nearly all the prohibitions which mark out the legitimate path of philanthropic aid. It interferes with no individual action: it saps no individual self-reliance. It prolongs childhood by no proffered leading-strings: it valetudinarianises energy by no hedges or walls of defence, no fetters of well-meant paternal restriction. It encourages virtue and forethought by no artificial incitements, but simply by providing that they shall not be debarred from full fructification, nor defrauded of their natural reward. It does not attempt to foster the infant habit of saving by the unnatural addition of a penny to every penny laid by\*: it contents itself with endeavouring to secure to the poor and inexperienced that safe investment and that reasonable return for their small economies which is their just and scanty due, and which the better education and wider means of the rich enable them to command.

The custom of hoarding and laying by is no new one in any country; but the form which it has assumed, and the extent to

---

\* Savings' Banks are said to owe their rise to the Rev. Joseph Smith, of Wendover, who, in 1799, circulated proposals in his parish to receive any sums in deposit during the summer, and to return the amount at Christmas, with the addition of one-third to the sum, as a bounty or reward for the forethought of the depositor. This was clearly not a Savings' Bank according to what is now understood by the term; neither could such a plan, if ever so extensively followed out—and it does not appear probable that Mr. Smith could have many imitators—be the means of causing any but temporary savings; the very bounty given would ensure the withdrawal of the deposits, and probably the disbursement of the money.—*Porter's Progress of the Nation*, vol. iii. p. 142.

which it has now reached, may well surprise us. Formerly the savings of the poor used to be sewed up in an old stocking, and hid in the thatch or under the hearthstone; and this habit still survives to a great extent in Ireland. But now thousands of societies of every form and constitution receive the savings of hundreds of thousands of depositors, and reckon their accounts by millions. The degree to which this virtue is carried among the working poor, and the class immediately above them, is one of the most hopeful social features of our times; and when we reflect on the severe discouragement, both direct and indirect, which it has met with, both from the system of poor laws, which in times of prolonged pressure placed the frugal and hoarding operatives at so demoralising a disadvantage; and also from the frauds and defalcations of Benefit Societies and Savings' Banks, which have so often deprived them of the small sums scraped together by the industry and self-denial of many years—there is increased reason both for congratulation and astonishment. Of the actual aggregate amount which the savings of the humbler classes have now reached we know something, but are obliged to guess at much more. In 1830, the number of individual depositors in savings' banks was 412,217, and the amount of their deposits 13,507,565*l*. In November, 1849, the depositors were 1,065,031, and their deposits reached 26,671,903*l*. In November, 1850, the depositors were 1,092,581, and their deposits reached 27,198,563*l*. According to Mr. Scratchley there were in 1849, 10,433 *enrolled* Friendly Societies, numbering 1,600,000 members, who subscribe an annual revenue of 2,800,000*l*, and have accumulated a capital fund of 6,400,000*l*. There are also a vast number of unenrolled Societies. Of the Manchester Unity there are 4000 societies, with 264,000 members, who subscribe 400,000*l*. a-year. In addition there are the unenrolled Foresters, Druids, &c. &c. The total is taken at 33,223 Societies, with 3,052,000 members, who subscribe 4,980,000*l*. a-year, and have a capital fund of 11,360,000*l*. The whole adult male population of the United Kingdom may be taken at about 7,000,000: nearly half of this, therefore, without distinction of rich or poor, are actually members of some of these Societies.

It is difficult to estimate too highly the importance of this tendency to amass, or the duty of removing every obstacle, and affording every facility to its operation. It is matter of deep interest to the State; for the man who has invested a portion of his earnings in securities, to the permanence and safety of which the peace and good order of society are essential,—will be a tranquil and conservative citizen. It is matter of deep

interest to the moralist; because the soil in which providence and frugality have flourished is a soil favourable to many other virtues. It is matter of deep interest to the social philosopher; for the trenchant line of demarcation between labourers and capitalists — so far more strongly marked in England than elsewhere — is believed by many to be at the root of nearly all, and is allowed by most to be at the root of many, of the most difficult and painful anomalies which meet our view as we look out on the community around us. To have saved money and invested it securely, is to have become a capitalist; is to have stepped out of the category of the *prolétaires* into that of the proprietors; and to have deserted the wide and desolate multitude of those who *have not*, for the more safe and reputable companionship of those who *have*. To have become a capitalist is, for the poor man, to have overleaped a great gulf; to have opened a path for himself into a new world; to have started on a career which may lead him, as it has led so many originally not more favoured by fortune than himself, to comfort, to reputation, to wealth, to power. In proportion to the value and dignity of this step, is it important to make it easy and secure: in that proportion is it the duty of the State to see that there shall be no needless or artificial impediments to the safe keeping and the profitable employment of the first small beginnings of a stream which may swell into such a mighty flood of fertilising waters; and sedulously to take heed that no channel in which it can flow without waste or danger shall be closed to it. It is not for the Legislature to contrive that the guinea of the rich man and the penny of the poor man shall yield an equal revenue: it is for the Legislature diligently to see to it, that by no act, connivance, or negligence of theirs, shall this desirable result be hindered. As it is, many such impediments exist: society has developed and industry expanded too fast for legislative watchfulness and wisdom to keep pace with them. We have been slow to meet new necessities with new provisions; and the consequence is that arrangements and enactments, fitted for other times but unsuitable for these, have a hampering operation which was neither intended nor foreseen; and circumstances and interests have been suffered to grow up, for the free development and adequate security of which no due provision has been made.

The practical discouragements to the virtue of economy which have resulted from the absence of this due provision, can be appreciated only by those who have come into close contact with the operative poor. Every defaulting savings' bank — every absconding treasurer to a sick club or a friendly society —

every bankrupt railway — every fraudulent or clumsy building league — every chimerical or mismanaged land association — preaches a sermon on the folly of frugality and providence, not soon forgotten and not easily counteracted. Of late these lessons have multiplied with fearful rapidity, and been delivered with a most mischievous emphasis. ‘Why should I save?’ (asks the jovial footman). ‘My fellow-servant, the butler, pinched himself ‘in every conceivable fashion, earned the character of a niggard ‘and a miser, that he might store up a couple of hundred ‘pounds, to set up a shop and marry upon. He invested it in ‘the Rochdale Savings’ Bank: the manager made away with ‘90,000*l.* of the funds intrusted to him; the trustees, it seems, ‘are not answerable for the defalcations; and I have now the ‘satisfaction of knowing that my fellow-servant is as poor as ‘myself, and that all his long years of self-denial are thrown ‘away.’ Truly, as Solomon says, ‘The wise man’s eyes are in ‘his head, and the fool walketh in darkness; *yet one event hap- ‘peneth to them all.*’—‘I have done with economy’ (says the plodding clerk with his 200*l.* a-year); ‘I rose early, went to ‘bed late, and was contented with the scantiest fare: I invested ‘my hard earnings in the Midland Railway Consols at 190*l.* — ‘then the most reputed line in the kingdom. Now 150*l.* of ‘this is gone, and by no fault of mine;—while my companion ‘—who took his ease, eat, drank, and was merry, never thought ‘of the morrow, never tasked his strength, or denied himself ‘any recreation—jeers me from morning till night.’ And he, too, quotes from the same Hebrew fountain of disheartening and melancholy wisdom. ‘There is nothing better for a man ‘than that he should eat and drink, and make his soul enjoy ‘good in his labour.’—‘You have been advising me for some ‘years, sir,’ (said a factory artisan to us the other day) ‘to lay ‘by some money against sickness or old age. Well, I took ‘your advice; I saved, week by week, about 50*l.*, and sub- ‘scribed the money to Feargus O’Connor’s land scheme, which ‘was to secure me a cottage and a few acres of ground for my ‘old age;—and I am now told, not only that I may never get ‘them, but that if I do, I cannot live upon them; and that, ‘moreover, Mr. O’Connor may, if he pleases, keep all my money ‘for himself. I wish I had never saved a farthing.’—Now these cases are neither imaginary nor few. They come before us in scores, in hundreds, in thousands; and are terribly eloquent in praise of self-indulgence and improvidence.

The double complaint, then, made by the humbler classes, or on their behalf, is, that sufficient care has not been taken to render safe such modes of investment as are peculiarly open to

their small means, and that from other investments which are profitable and desirable, they are debarred by impediments which have either been created, or might easily be removed, by legislative interference. We propose to examine some of these cases, and to point out a few of those arrangements or alterations in our law which it seems just to ask for, and desirable to grant, in order that the working classes may be at liberty, fully and practically, to employ their savings in whatever manner they please, provided only that it be not inconsistent with the general interests of the community.

The first and simplest mode of disposing of small savings is to invest them in some quarter in small sums and at simple interest, with liberty of withdrawal at the will of the depositor. Such an investment is afforded by Savings' Banks, which date from the beginning of the century, and were originally established by benevolent individuals for the direct purpose of taking charge of weekly or monthly sums of a smaller amount than ordinary banks—in England at least—were willing to charge themselves with. These institutions were sanctioned by act of parliament in the reign of Geo. IV.; and by arrangements then established, and subsequently slightly modified, all sums paid into savings' banks are to be invested in Government securities, and to receive interest at the rate of 3 per cent. At the same time, in order to prevent their being diverted from their original design, of providing ready reception for the savings of the poor, no individual is allowed to deposit more than 150*l.* in all, nor more than 30*l.* in any one year; and when his deposits amount, with compound interest, to 200*l.*, no further interest is to be paid to him; it being very properly presumed that for so large a sum a more suitable investment may easily be found; or at all events that the owner of such a sum is no longer entitled to the privileges of poverty. The extent to which these institutions have been made use of—the amount standing to the credit of individual depositors having at one time reached to nearly twenty-nine millions—shows the wide prevalence of the want which they were established to meet, and the value set upon the facilities they offer. Of late, however, much distress and mistrust have arisen from the numerous, and apparently simultaneous, defalcations which occurred in many of them. In 1849 and 1850, the treasurers of several savings' banks, both here and in Ireland, were discovered to have employed for their private purposes the funds intrusted to them, instead of placing them, as legally bound to do, in the hands of the Bank of England for investment in the Funds. Hundreds of the poor and industrious found themselves thus

suddenly deprived of their painfully-hoarded savings by the dishonesty of officers whom they had been taught to trust with implicit confidence, and whom they seemed justified in so trusting. It then became known, to the surprise of most, and the dismay of all, that the trustees of these savings' banks — gentlemen, generally, of wealth, benevolence, and repute in their respective neighbourhoods — were in no way legally responsible for the money which had been entrusted to their keeping, and that Government, which was popularly supposed to be the recipient of all the deposits the moment they were paid into the bank, was, naturally enough, answerable only for the sums which it had actually received. The treasurer, a clerk appointed by the local trustees, was, in fact, discovered to be the only party responsible for the safe keeping of the deposits; and he was the very man who had made away with them. It is true that he had to find sureties before obtaining his appointment; but these sureties, though sufficient to make good the loss of any temporary balance which might remain in his hands, were seldom adequate to meet defalcations arising from continuous and systematic fraud.

These painful disclosures — so many of which occurred about the same time — not only created a very general and well-warranted feeling of insecurity on the part of the depositors in savings' banks, and greatly shook the credit of these institutions, but induced a pretty unanimous expression of public opinion that the people had not been quite fairly dealt with in the matter; and that those parties, on the faith of whose character for vigilance and integrity the poor had committed their little property to the banks of which they were the nominal managers and trustees, ought not to be thus exempt from all legal responsibility. The people naturally asked: 'To whom did we entrust the money, 'if not to the gentlemen whose names were published as 'managers of the institution, and to the Government, which, 'we were told, had, by Act of Parliament, constituted itself 'receiver of the funds? As to the receiving clerk, we did not 'appoint him; we knew nothing of him; and we never conceived that we were to look upon him as our banker.\* So

---

\* 'I was in Lancashire some time ago, meeting with large bodies of working men, at the time of the failure of the Rochdale Savings' Bank; and I shall not soon forget some remarks that were made about the Government, as to the want of security. One man in Ashton-under-Lyne, said, "Dr. M'Dowall came here and told us that "the Government was a set of robbers; that they did not care about "the property of working men. I did not believe M'Dowall then; "but when I see that there is no security for the savings of the



general was the disgust at this slippery and inadequate arrangement, and so just was it felt to be, that the Chancellor of the Exchequer last year introduced a Bill into the House of Commons to enable the Government to take upon itself the charge of the safe keeping of all deposits in savings' banks, on condition of having the appointment of the treasurer who should receive them, without claiming to interfere in any other manner with the local arrangements. By this arrangement every individual would virtually have paid his instalments directly into the hands of the nation, and his mite would have been as secure as national wealth and honour could make it. On the part of the trustees and local managers, however, the Bill, which would perfectly have attained the object in view, met with a jealous opposition, which we forbear to characterise by its fitting adjective: it was *alleged* that it cast a stigma on their reputation for integrity; it was *felt* that it would deprive them of a certain amount of patronage and local influence; and these miserable pleas were so vehemently urged, that Government thought it better to abandon the Bill than to risk the breaking up of the institutions altogether, as they were scarcely prepared to take them entirely into their own hands. The matter cannot, however, rest here; and we trust that Sir C. Wood's promise to legislate on the subject this Session will be acted on, either by himself or his present successor. It is of the greatest importance that the question should be settled without delay, and that the public should know distinctly to whom they are to look for the safe keeping of their hard-won savings. When this is once arranged on an intelligible and satisfactory basis, these institutions may have before them a career of long-continued and increasing usefulness.

Next in order come Friendly Societies, Sick Clubs, and the like, which are institutions of mutual assurance against incapacity arising from casualty, sickness, or old age. Each member contributes a certain sum weekly, monthly, or annually, while employed and in health, and receives from the Society in return a certain pension or allowance when age, accident, or illness deprives him of his usual maintenance. Nothing, it is obvious, can be more unobjectionable than the principle of these associations, or more beneficial than their operation, when conducted

“working men in the Savings' Banks, which we supposed that the Government had under their protection, I believe now that Mr Dowall was right, and that Government cares nothing about either the poor men or their savings.”—*Mr. W. Cooper's Evidence, Committee on Investment.* Q. 586.

upon sound and just rules. The rapid and vast extension of them indicate that the working-classes have a clear perception of the mighty strength and security which lie hid in the principle of association. Comforts far beyond the reach of their individual means, provisions against possible or probable contingencies, which would overwhelm them if isolated units, are, through the instrumentality of these institutions, brought within the power of the poorest among them. Next to Trades' Unions, of which the object is to secure some provision for times when they may be out of work, and of which we do not propose here to speak, Friendly Societies are the especial favourites of the working-classes, partly because they meet the exigencies to which every man feels his own special liability, and partly also because they are their own contrivance, and the management of them lies in their own hands. Every man feels that (apart from premature death) the incapacity of old age is an evil which is certain to befall him; that accident may, and that sickness probably will, lay him upon his back at some period or other of his career:—so if he have any foresight and self-denial, he willingly lays by a portion of his earnings for such inescapable emergencies. He does this the more willingly, because the rules according to which, and the officers through whom, the common fund is administered, are the selection of his own will.

In the early history of these associations, their usefulness was much impaired by errors in their constitution, and inadequacy in the legal powers needed for their self-protection. Gradually, however, both these defects have been remedied; and by successive Acts of Parliament, provision has been made, that any of these Societies, whose rules shall be approved of by the officer appointed by Government to revise them, may be registered or enrolled, and thus become entitled to certain privileges and exemptions. An Act passed last Session (13 and 14 Vict. c. cxv.) consolidated a number of previous laws, and extended the purposes for which these Societies were legalised. It declared that all should be entitled to the benefit of its provisions, which were established for the following objects:—

‘ 1. For insuring a sum of money to be paid on the death of a member, to the widow and widower of said member; or to the child, executors, administrators, or assigns of such member; or for defraying the expense of the burial of such member, or his wife, husband, child, or kinsman.

‘ 2. For relief, maintenance, or endowment of members or their kindred, in infancy, old age, sickness, widowhood, or any other natural state of which the probability may be calculated by way of average.

‘ 3. For insuring stock, &c. against damage by fire, flood, shipwreck, or other natural contingency, calculable by way of average.

‘ 4. For the frugal investment of the savings of members, for better enabling them to purchase food, firing, clothes, or other necessities, or the tools and materials of their trade and calling, or the education of their children and kindred; provided that the shares shall not be transferable, and that the investment and proceeds shall be confined to the member and his kindred, &c. &c.

‘ 5. For enabling any member or his kindred to emigrate.’

The special advantages guaranteed to Societies established under this Act are as follows: That, as soon as they shall have been duly admitted and certified by the Registrar \*, (an officer appointed for the purpose, who is to take care that their rules contain nothing illegal, irrational, or self-contradictory,) the trustees who hold and invest their funds may sue and be sued in the name of the Society; — that in the case of the death, absence, incapacity or disappearance of any of the trustees, the Registrar may confirm and legalise the appointment of others without recurrence to the Court of Chancery, and may even, if needful, act as co-trustee himself; — that all disputes arising in the body itself shall be decided by and according to its own rules; — that in the case of arbitrators being appointed by the Rules, the decision of such arbitrators shall in all cases be final and binding without appeal to courts of law or equity; and that such award can be promptly enforced, on proof, by the nearest justice of the peace; — that in case of fraud on the part of any of the members, an immediate remedy can be obtained by hearing before two justices of the peace, whose decision shall be final and conclusive; — that in case of any incorrect proceedings on the part of treasurer or trustees, the Registrar can interfere by a summary and despotic order; — that the claims of these Societies upon the estate of deceased or bankrupt officers shall take precedence of all other claims; — and that payments, powers of attorney, assurances, &c., made under the Act, shall be

\* The *certified* Societies are those which grant annuities, and whose laws and scale of allowances have been examined and approved by an actuary: these may be safely trusted by investors. The other class are merely *registered*; but this registration, though entitling them to the benefit of the Act, and indicating that their rules contain nothing fraudulent, absurd, or illegal, is no guarantee that they are or will remain solvent; and we are told, but have been unable to ascertain, that several Friendly Societies, duly admitted to registration, are not solvent. If this be so, it seems scarcely fair upon the people, to whom a Government Registration naturally conveys the idea of sanction and safety.

exempt from probate and stamp duty. The really valuable portion of these privileges, to which we shall have again to refer, is that which provides for a cheap, prompt, and inappellable decision in case of disputes, and remedy in case of fraud. It is a near approach to what law should be: that is, a number of individuals form themselves into an association for certain purposes and agree to be bound by certain rules, and Parliament provides that, on the performance of certain simple formalities, and on application to the proper officer, these purposes shall be strictly carried out, and these rules instantly enforced, without expense and without chicane. The enactment well deserves its popularity among the poor.

Life Assurance Policies offer one of the most important and desirable channels of investment for the savings of all classes, and one for the employment of which every possible facility should be afforded. The custom of insuring life for the benefit of survivors is extensively practised among the higher and middle ranks, and is now beginning to extend among the poor. It may be looked upon as one of the clearest and most imperative duties incumbent upon all who have, or expect to have, families dependent upon them, and whose income arises not from realised property, but from their own exertions of head or hand, and will therefore expire with them. It is altogether the most servicable invention of modern times for defeating contingency, disarming fate, and depriving casualty of its terrors. It would seem that for the labouring poor, whose labour is their only capital, and who can rarely leave any realised property behind them, this mode of securing their wife and children against the destitution into which the death of the husband and father must otherwise almost inevitably plunge them, is peculiarly eligible. For some time, however, ignorance and mistrust on their parts, the unwillingness of the great Insuring Societies to accept such small sums as alone it was in the power of the working classes to raise, and the heavy stamp duties levied upon all policies, operated to prevent its adoption among the poor. The admission, however, (under the Act which we have quoted, and other preceding ones which it repealed,) of mutual life assurance as one of the purposes for which Friendly Societies might be employed, has already done much to extend the practice among the humbler classes; — the favourable provisions we have recited enabling them to escape the Stamp Act, the Probate Court, and (last not least) the lawyer; as the power of nominating in the policy itself the recipient of the sum insured avoided the necessity of a will. One of these Societies (the Temperance and General Provident Institution) effected

more policies in a year than any two of the great offices.\* It is obvious that to the encouragement of so invaluable a disposition as was thus manifested, every possible facility should have been afforded; but unfortunately the Chancellor of the Exchequer took alarm, as Chancellors are apt to do, at the possible loss to the revenue which might arise from the occasional employment of these Societies by rich men, and from the exemption also from legacy and stamp duties of so large a number of policies; forgetting that but for this exemption a vast proportion of them would never have been effected at all; — and he insisted upon the introduction of two provisions into the Act in question (13 and 14 Vict. c. 115.) which, combined, have had a most restrictive and mischievous operation. In the first place, he confined the benefit of the Act to Societies which limited their policies to 100*l.*; and by this means greatly crippled some of the most prosperous and the best conducted among them, as was fully, but vainly, represented by more than one witness before Mr. Stancy's Committee. The proposal in the Bill, as originally drawn, was to limit the policies to 200*l.*; and even this would have had a most noxious operation, inasmuch as the necessary expenses of safe and efficient management are too

\* We annex a Table which will show at once the extent to which the habit of insurance was spreading among the humbler classes, and the check given to it by the unfortunate limitation commented on in the text.

*Statement of Number of Policies issued in each Year for the various Amounts as under.<sup>1</sup>*

Years.	Under 20 <i>l.</i>	20 <i>l.</i> to 50 <i>l.</i>	50 <i>l.</i> to 100 <i>l.</i>	100 <i>l.</i> to 200 <i>l.</i>	200 <i>l.</i> & upwds.	Total.
1841	16	20	29	118	72	255
1842	60	38	54	120	48	320
1843	48	31	68	156	41	344
1844	11	54	133	213	43	454
1845	23	48	149	205	65	490
1846	139	39	107	139	67	491
1847	10	18	55	117	73	273
1848	8	39	124	273	96	540
1849	56	36	154	420	244	910
1850	15	27	128	401	218	789
1st Aug. 1851	9	18	57	190	113	387
Total	395	368	1058	2352	1080	5253

<sup>1</sup> United Kingdom Temperance and General Provident Institution, 39, Moorgate Street, London.

great to enable a Society to be sustained by small policies only. One of these Institutions has issued upwards of 4000 policies of amounts under 200*l.*, which it would have been found impossible to do without the aid arising from larger assurances. The second alteration was still more fatal. The new Bill (clause 42.) took away the right of 'nomination.' Formerly, the person who was to receive the sum insured on the death of the insurer, was named in the policy, and the directors had nothing to do but to pay the money over to this individual, on proof of the decease of the one party, and the identity of the other. No will was thus required, nor any letters of administration to be taken out by executors, or by next of kin. Those who know how clumsy and incapable the poor are in these matters, how they shrink from the trouble and expense of all legal formalities, and how they in general dread the idea of making a will, which they look upon as signing their death-warrant, — will be able to form some estimate of the sad discouragement which this injudicious and shabby provision has thrown in the way of the most serviceable habit which could have been introduced among the humbler classes.\* We have now lying before us a Letter from the Chairman of one of the most successful of these Institutions, saying: — 'Most of the business we now do is with a higher class than formerly. As regards the difficulties we are placed in by doing away with the power of nomination, they are many and great, especially with the smaller insurers. In fact, we do not think it worth the trouble now to try and induce the mechanics, &c. to assure, knowing the expense and trouble the survivor will be at, to get what is due. The injury done to the advocates of provident habits in the lower classes is incalculable.' Of all modes of employing small savings, there is none which we should so earnestly desire to become general among working men, — none which appears to us so deserving of the fostering care of the Legislature, — none which, if universal and habitual, would do so much to diminish those cases of utter and helpless destitution which press so heavily on the resources of the community in the shape of poor-rates, and which are the fruitful parents of a long progeny of

---

\* It is true that there is a provision empowering the trustees, in case of a man dying intestate, to pay the money to the next of kin, or the lawful representative of the deceased, without letters of administration; but this is limited to sums of 50*l.* and still throws the trouble of *proving* kinship or executorship on the claimants.

calamity and crime. It is grievous that mere revenue considerations should be suffered to step in to check and discourage a disposition so incomparably more important to national well-being, so incalculably more productive even of national wealth, than any mere financial arrangements. What is the loss of 100,000*l.* to the Exchequer, considered merely in a pecuniary point of view, in comparison with the drain and waste caused by the destitution of the thousands who are annually left widows, and whom a cheap and easy mode of life assurance might have endowed with a provision? And above all, how poor and trivial do all such pounds shillings and pence considerations seem, when weighed against the importance of convincing the mass of the people that the Legislature regards with special favour, and will cherish with most zealous care, all their efforts after self-dependence and self-elevation!

Next in importance to making a provision for a family in the case of the death of its head, comes that of providing for the old age or incapacity of the individual. Men who live by manual labour—in those departments especially in which good eyesight, skill of hand, or strength of arm is required—will, if they have due foresight, feel anxious for a provision *against the time of failing physical powers*—against the time when, from age or exhaustion, they are no longer fit for their usual occupation, and must be content either to retire from work altogether, or to accept work of a kind requiring less skill, and therefore commanding inferior remuneration. An operative, with a fair education, and in full possession of his powers, may be excused for feeling confident that he can always find employment at wages which will support a family; but he cannot shut his eyes to the fact that the large earnings he now obtains can only be commanded by men in the prime of life, and that the period *must* come when he will be compelled to forego them, or exchange them for the payment of inferior labour;—and it is against this time that, if he be wise, he will lay by some safe store, secure for the future, *but out of his reach for the present*; and, consequently, not liable to be encroached upon during the pressure of temporary want. This same ‘treasure in the distance,’ a *deferred annuity* offers him; and there is scarcely any way in which an operative or mechanic in any branch of industry can more wisely invest his savings than in the purchase of such a future provision in the Government Funds. A very small weekly or monthly sum, regularly paid from the time he was twenty years of age and had got into regular employment, would secure him 50*l.* a year when he was fifty years old, and

began to feel the first approaches of infirmity.\* He might then plod cheerfully onward through the intervening years, with none of the grinding anxieties and fears of the workhouse which now beset him,—having made himself sure of a quiet and respectable home for his old age.

Government has not been insensible to the importance of facilitating and encouraging the purchase of small deferred annuities by the poor. An Act was introduced by Lord Althorp (3 & 4 Will. 4. c. 14.) to enable parties, through the instrumentality of the savings' banks, to purchase such annuities of not less than 4*l.*, nor more than 30*l.*—the annuitant to have the option of paying down the whole purchase-money at once, or by weekly, monthly, or yearly instalments. As an additional encouragement, it was provided that if the purchaser became unable to continue his payments, or died before the annuity commenced, the whole sum he had actually paid should be returned, without interest, to himself or his representatives. The reason of the small use that has been made of this Act, and the admirable substitute proposed for it by the Bill introduced (but alas! not passed) last Session, have been so clearly explained in a paper, which we cannot be mistaken in attributing to Mr. Poulett Scrope, that we shall give them in his own words:—

‘That Act, however, so far as regards deferred annuities, has been very nearly inoperative. Only a few hundred persons have, in the course of the seventeen years since its enactment, purchased a deferred annuity; and the entire amount of such annuities granted, appears from a recent return to fall within 9,000*l.*

‘The cause of this failure was the insertion in the Act of a clause entitling the purchaser of a deferred annuity to reclaim his money (but without interest) at any time, on the plea of inability to keep up the periodical payments agreed upon, and for his executors to do the same if he died before the annuity commenced. It was represented to Lord Althorp that these conditions were indispensable to induce any parties to purchase deferred annuities. They had the precisely opposite effect, of preventing any, or scarcely any purchases. And this by making it the act of a fool to do so.

‘For these conditions rendered it necessary of course that the tables should be calculated on the principle of keeping every person's account separate from the rest. And the *deferred* annuity he was allowed to purchase, was therefore absolutely less in amount than the *immediate* annuity he might at the same age purchase with the same money if left to accumulate at compound interest in the savings' bank, with the disadvantage of his being obliged in the first case to

---

\* A monthly payment of 12*s.* beginning at *twenty-one* years of age, will secure 30*l.* a year at the age of *fifty-five*, the money to be returned in case of death before that age.



fix beforehand the age at which it should commence, instead of buying it when he might want it, as he could do in the latter mode.

Moreover, the principle of payment by instalments, or periodical payments, permitted by the Act of 1833, is essentially a vicious one. The incomes or earnings of the industrious classes are generally precarious. Sickness, accident, local or temporary depressions of trade, and suspension of employment consequent on this or other causes, must very frequently make it next to impossible to keep up regularly a series of periodical payments through a long succession of years. If the money paid is *not* returnable when the engagement is dissolved under such circumstances, the engagement itself has operated as a mere trap to entice the sanguine and unwary into a contract in which they are very likely to sustain a cruel loss. If the money is made returnable, the benefit bargained for is, as has been shown already, necessarily inferior to what may be obtained by its deposit in the savings' bank, and the ultimate purchase of an *immediate* annuity.

These considerations appear to have influenced the Chancellor of the Exchequer in framing the clauses of the Savings' Bank Bill now (1850) before the House of Commons, which extend the provisions of the existing Annuities Act, without, however, repealing any portion of that statute, which will still be available for all parties who choose to make use of it.

It is proposed, subject to the same limitations as to amount, regulation, and management as in the existing Act, to allow parties to contract with the Commissioners of the National Debt, through the savings' banks or parochial societies, for deferred annuities, to commence at any age, and to be calculated on the same principle of mutual assurance as is adopted by the benefit societies. Consequently, as in those societies, no money will be returned; and the superior benefit derivable from this principle may be seen by comparing the amount of annuity purchasable under the two systems. For instance, *£*p annuity of ten pounds per annum, to commence at the age of 65, may be purchased at once by a person of the age of 20, on the proposed plan, for the small sum of 7*l.* 2*s.* 6*d.*; while under the Act of 1833, it would cost 16*l.* 7*s.* 6*d.*. To a purchaser of the age of 30 the difference will be as between 11*l.* 16*s.* 10*d.* and 31*l.* 14*s.* 3*d.*

All purchases will be required to be completed at once by single payment, so as to avoid the trap of an agreement for periodical payments. But, in order to bring this mode of purchase within reach of the poorest classes, the amount of annuity purchasable at one time is reduced from four pounds, the limit in the old Act, down to one pound; and, for the sake of simplifying the accounts and transactions, no fractional annuities, other than *even sums in pounds*, will be granted—so that the half-yearly payments will always be in sums of ten shillings or its multiple, and the accounts may be kept in decimals.

To show by example the working of this plan, a person of the age of 25 may purchase an annuity of one pound per annum, to commence at the age of 65, for the moderate sum of 18*s.* 5*d.* which we

must suppose he may accumulate without difficulty, by depositing his small weekly savings either in the savings' bank, or in the hands of a friend, or his employer, or the parochial society. At the end of a few months, or in the next year, he will probably be able to add another pound to his annuity at a very slight increase of payment, and so on, till he has secured the full annuity he may desire — the *maximum* being 30*l.* or about 12*s.* a week, an income not very magnificent, but enough to secure independence, and tolerable comfort in old age.'

We cannot sufficiently express our regret that a Bill containing such admirable and much needed provisions should have been allowed to drop, whatever have been the amount or kind of opposition it had to encounter — opposition which we must again characterise as discreditable in a more than ordinary degree.

Another mode of investment which has lately become a great favourite both with the middle and working classes, is afforded by what are termed Benefit Building Societies. The first which is known to have been established dates from 1815, and was founded at Kirkeudbright, under the auspices of a benevolent nobleman, the Earl of Selkirk. The example was followed soon afterwards in various quarters of the North of England, especially in Lancashire. After 1830, these societies increased so rapidly as to attract the attention of the Legislature; and in 1836 a special Act (6 & 7 Will. 4. cap. 32.) was passed for their guidance and protection, which gave them some of the privileges, and subjected them to some of the rules, which had previously been extended to Friendly Societies. Up to September, 1850, more than 2000 of them had been duly registered under the provisions of this Act in the United Kingdom, — of which, in England alone, 169 were added in the first nine months of that year. Many of these Societies appear to have been dissolved, or to have expired with the efflux of time; but it appears from Mr. Scratchley's work, that 'about 1200 are still in existence, the total income of which is calculated at not less than 2,400,000*l.* a year. In fact, there are two or three whose annual incomes are between 50,000*l.* and 60,000*l.* each.'

Some of these Societies are temporary and some permanent. Some are confined to a specified number of members, who associate at the outset for a special and limited purpose, and the association expires by a natural process as soon as this purpose is accomplished. Others continue adding to their numbers indefinitely, and offer a permanent investment to all who join them. In the former case, a certain number of individuals who are desirous of building for themselves, or becoming possessors of the

houses they dwell in, form themselves into a Society, subscribe certain specified weekly or monthly sums, which are applied, in the first instance, to the purchase of land on which the dwellings are to be erected, and then, as fast as they accumulate in sufficient amounts to erect a house, are allotted to each member in turn (the individuals who take precedence being decided by arrangement or by lot), till all are provided for, and the concern is closed. Of course, as each several assignment is made, a security is taken upon the house of the fortunate individual, to ensure the continuance of his periodical payments till all the members are similarly circumstanced. By this arrangement, the subscription of very moderate sums (say 5s. or 10s. a month) will enable any one, in the course of a few years, to become owner as well as occupier of a very comfortable dwelling; and, if he wishes, a possessor of the elective franchise.

The permanent and more numerous Societies are slightly different in their machinery:—

‘A benefit building society (says Mr. Scratchley) when properly constituted, is a species of joint stock association, the members of which subscribe periodically, and in proportion to the number of shares they hold, different sums into one common fund, which thus becomes large enough to be advantageously employed by being lent out at interest to such of the members as desire advances; and the interest, as soon as it is received, making fresh capital, is lent out again and again so as to be continually reproductive. Large sums may be raised in this manner; *e.g.* if 1000 shares were subscribed for at 10s. a month per share, the amount in one year would be 6000*l.*, which month by month as received, might be advanced to any members who might wish to become borrowers. The payments of **BORROWERS** are so calculated as to enable them to repay, by equal monthly instalments, within a specified period, the principal of the sum borrowed, and whatever interest may be due upon it throughout the duration of the loan. The other members who have not borrowed, and who are generally termed **INVESTERS**, receive at the end of a given number of years a large sum, which is equivalent to the amount of their subscriptions, with compound interest accumulated upon them.

‘The idea of a society upon this principle, correctly formed, and afterwards properly managed, is of the most admirable kind. For, on the one hand, it holds out inducements to industrious individuals to put by periodically from their incomes small or large sums, which are invested for them by the society, and at the end of a certain time are repaid to them in the shape of a large accumulation, without their having themselves the trouble of seeking suitable investments; while, on the other hand, the money subscribed, being advanced to some of the members, enables them to purchase houses or similar property, and to repay the loan by small periodical instalments, extended over a number of years . . . The annual repayments required

by the society upon a loan, do not much exceed the *rent* of such a house as could be purchased with the sum borrowed; so that a man living 10 or 14 years in a house, instead of paying rent to his landlord, and thus losing so much money for ever, pays it with a small addition to a building society for a limited number of years, at the expiration of which the property becomes entirely his own, — the money advanced being in the mean time secured by a suitable mortgage.'

It is obvious that the desirableness of these Societies as a mode of investment for the humble classes, must depend entirely upon the soundness of the principles on which they are based, and the strictness with which these principles are adhered to in the management. Much money has, no doubt, been lost and spirited away in these undertakings, and none should be trusted by the poor that are not duly certified and registered; but when this precaution is observed, we believe they deserve the encouragement and favour they have received. Mr. Scratchley's work is a careful exposition of the rules which should guide their constitution and management, drawn up by a competent and experienced man.

Investments in land have hitherto been almost entirely out of the reach of the humbler classes in this country. The enormous difficulty and expense thrown in the way of the acquisition of small properties by the uncertainty of titles, the complexity of the law, and (till recently) the heavy stamp duty, have done much to quench and crush that desire for the possession of land, so natural to all men, so flattering both to pride and to gentler and worthier feelings, and so stimulated with us by the political privileges attached by our ancient Constitution to freehold property. Still the sentiment has to a great extent survived, notwithstanding the circumstances which have long made the gratification of it almost an impossibility; and a conviction is gradually growing up among all classes, that this impossibility involves an injustice, and cannot much longer be either defended or retained. For ourselves,—though sharing the doubts expressed by some witnesses examined before Mr. Slaney's Committee, as to whether the purchase of land will generally prove a profitable mode of investment for the savings of the poor; though cognisant of the disappointment and misery which such investments, under Mr. Feargus O'Connor's auspices, have brought upon hundreds of the working classes; though differing from many philanthropists, and from some economists, as to the moral and political consequences of the extensive possession of small freeholds by the peasantry; though thinking that the experience of France and

other continental nations clearly shows, that, where encouraged or enforced by law, they are far from being as favourable as they are generally represented to be, either to masterly cultivation, to social well-being, to political tranquillity, to progressive development, or to high civilisation, — yet we cannot but feel that, in a country like ours, where equal rights and equal freedom lie at the basis of our polity, and where the enjoyment of the franchise is expressly attached to the possession of land — so emphatically so, that even a forty-shilling freehold entitles its owner to the suffrage — artificial and indirect impediments to the acquisition of that which the Constitution points out as the special means of obtaining a vote, can be defended on no tenable plea, and must always be felt to be irritating and inequitable.

We are surprised that this consideration has not had more weight with Conservatives of all sections — those who are Conservative from great possessions, and those who are Conservative from political predilections. In these days of search and question, when every ancient claim is investigated with the keen eye of hostility or envy; when every time-honoured privilege is sharply disputed or dogmatically denied; when every long-descended right is called upon to prove its justice in courts of inquiry, where, if it finds a fair field, it certainly can look for no favour; when prescription is no longer admitted as a valid plea for claims which can be defended on no other ground, — it is good policy, to say the least, on the part of those individuals or classes who have anything valuable to conserve, to make their position as impregnable and unobnoxious as they can. At a time too, when the unlimited right of property in land is questioned, not by envious and needy *prolétaires*, but by profound thinkers and disinterested critics, and when the very principle on which that right is based finds many to deny it, and many thousands to applaud and echo the denial, — it seems specially incumbent on all possessors of landed property to render that exclusive possession as little invidious as possible, to remove from it all that bears the semblance of injustice, and to be prompt and eager to remedy every collateral consequence, not essential to its safety, which presses on the mass of the community. Generally speaking, the defence of Conservative policy is rendered difficult, not by its inherent injustice or native indefensibility, but because it is surrounded by a multitude of vulnerable, objectionable, and provoking outworks; because its advocates are perversely fond of taking up untenable positions, and of regarding as part of it, and bound up in its existence, diseased and unnatural excrescences, which are the sources of its greatest weakness, and are its

worst internal foes. It is the clear and paramount interest of all classes to abandon at once every untenable position; and, instead of battling tenaciously for every rotten bastion and venerable buttress, to retire into their impregnable citadel, and to resign, promptly and with a good grace, every point which is in any way oppressive or unjust; thus proclaiming these points to be essentially unconnected with those rights and privileges which they still hold to be sacred and inalienable.

Now there are several consequences connected with the tenure of land in this country, which are looked upon with an evil eye by the unpropertied classes of the community; which are, in themselves, utterly unjust and inadmissible; and which have been mainly instrumental in bringing landed proprietors into odium, and the right of landed property into question. Some of these are the relics of feudal times; some have grown up unconsciously during the lapse of centuries; some have been intentionally enacted by landowners, in days when they had greater power than at present of working their own selfish will. Such is the whole system of legal titles, which surround the sale and purchase of land with so many difficulties and such enormous cost, as to render it impracticable to the poor man, and almost to forbid the acquisition of small freeholds. Such is the law of distraint—giving to landlords an unfair, and (as is now believed) a suicidal advantage over other creditors. Such is the exemption of landed property from legacy duty. Such was, till a few years ago, the provision by which landed property was secure from the claims of simple contract creditors. Of all these, probably the difficulties which have gathered round the transfer of land and its purchase in small quantities have been particularly odious and practically oppressive. They are peculiar to this country. They arise from the old feudal notion, that land differs from other sorts of property, is more sacred than any other, and must be dealt with on different principles. A title is required in the case of land, which is needed in no other case. Before land can be safely purchased, this title must be traced for at least sixty years; every claim and incumbrance that has ever existed upon it must be carefully sifted; and any mistake or omission in these tedious and costly processes may vitiate the title of the purchaser, and deprive him of his honestly acquired possession. But while all these heavy requisitions have been made, the means of fulfilling them at a reasonable cost of trouble and money have been steadily withheld. A general office (or offices in all the counties) for the registration of title-deeds, mortgages, and sales, which has been so long demanded by the country, has hitherto been obsti-

nately refused; and the difficulty of obtaining a cheap and certain title to an estate you might wish to purchase, has amounted to an impossibility. Lord Campbell's Registration Bill, introduced last Session, will in part remedy this deplorable deficiency - a deficiency peculiar to England. England is (we believe we are correct in stating) the only civilised country in which such a registration does not exist, and has not long existed. Throughout almost the whole of Europe, land can be purchased, and a valid and absolute title obtained, without difficulty at a very moderate cost, because a *bureau des hypothèques* exists, in which the title to every estate, and the incumbrances upon it, are officially recorded; and a reference to this office at once enables any individual, who wishes to become a purchaser (or a mortgagee), to complete the transaction with complete and final security.

Now it may or may not be desirable that land should be extensively sold in small portions; land may or may not offer a profitable and generally beneficial investment for the savings of the working classes; it is very possible that they may burn their fingers in the attempt to become peasant proprietors; may pay dearly for their whistle, and learn wisdom by painful experience alone; but it seems abundantly clear that the Legislature cannot with justice, virtually and by a side wind, deny to the poor a privilege which it accords to the rich—viz. that of choosing in what way they shall employ their money, and of making a foolish employment of it if they will; nor can it be expected that the humbler section of the community will ever be reconciled to, or persuaded of the justice of, a law which debars them from a favourite mode of investment, on the plea of paternal watchfulness and benevolence, but to which alleged and suspicious motive they will give a very different interpretation.

The case of the franchise makes the collateral impediments now existing to the acquisition of small landed properties peculiarly unwise and indefensible. There is, on the part of a certain portion of the people, a demand for an extension of electoral rights. To this demand landowners generally, and Conservative landowners in particular, are opposed; and it is the more indispensable that they should put themselves in a position to oppose it fairly. The franchise, they say, is low enough. The Constitution gives to every man who possesses or can procure a freehold of the yearly value of forty shillings, a county vote of equal weight with that of the landlord whose territorial income is a hundred thousand pounds. Lower than this, it is contended, you cannot go, unless you wish to abolish a property qualification altogether. Every man possessed of the

industry, steadiness, and intelligence, which alone can guarantee his fitness for the exercise of the franchise, can surely amass, by these qualities, the 50*l.* or 60*l.* requisite for its acquirement. The argument is good enough in theory, and would carry almost irresistible weight with it, if the enormous cost attending our abominable system of landed property and conveyance in the case of small estates, did not act as a direct bar, and often as an absolute preventative, to the poor man who wishes to obtain the elective franchise by purchasing a forty-shilling freehold. These artificial difficulties vitiate the plea, and neutralise the whole argument. It is a mockery to tell the poor man that the county franchise is within his reach, and is guarded by as low a qualification as possible, when, in order to obtain legal and secure possession of this franchise, he must pay away, independent of the purchase money\*, a sum equal to three, four, or five times its annual value. He must pay for his privilege once to the vendor, and a second time to the lawyer and the Stamp Office. The Constitution enacts that he shall have a vote if he can purchase a freehold of a certain annual value. The conveyancer and the Government step in, and, between them, virtually nullify the constitutional enactment. The theory of the county franchise is defensible enough; but this monstrous abuse in its practical working embarrasses and silences all its honest advocates. Therefore we think that such an entire reform in this matter as shall render the purchase of small properties safe, cheap, and feasible, is absolutely essential in order to place the

---

\* The usual stamp and law expenses (since the large reduction of the stamp duties) in the Session of 1850, attending the purchase, by poor men, of small plots of land up to 100*l.* in value, do not exceed from 5*l.* to 15*l.*, because in these cases there is never any minute investigation of title. If the purchaser was a man to whom security was every thing and money nothing, and who therefore required a thorough examination of title, the expense would vary with the complexity of the title, and might reach from five to ten times the above-named sum. The insecurity, perhaps even more than the cost, is the real cause of the inexpediency of land as an investment for the savings of the poor man. It is at any time possible that he may be deprived of his little property by some claimant of whom neither he nor his solicitor has ever heard, especially if the abstract of title has been dispensed with. Even the 'sixty years' title' affords only a likelihood of safety. One or two of the most eminent conveyancers recently accepted a title of the usual length, which turned out to be perfectly worthless, owing to the circumstance of a tenant for life having lived *ninety* years; at whose death the reversioner would come in quite unaffected by the circumstance of the property having been dealt with as a fee for the sixty or seventy years preceding,



opponents of organic changes in a just or tenable position. We are fully aware that the difficulties to be got over are most serious,—that the work is a great, and must probably be a slow one; but it is one thing to recognise an obstacle, and another to sit down under an assumed impossibility; it is one thing to preach patience during a gradual and tedious cure, and another to preach it under a permanent and hopeless malady.

Neither have we any fear lest the easy acquirability of small landed freeholds should lead in this country to the creation of a body of peasant proprietors to an inconvenient or perilous extent. Hitherto, we know, the tendency has rather been towards the swallowing up of such small properties as formerly abounded. The race of yeomen — ‘statesmen’ as they are termed in Westmoreland and Cumberland — has long been in process of gradual absorption. The *excess* of landed subdivision, and its many evil consequences, have appeared in countries, not where all natural causes and motives are left free to operate, but where a special, forced, and almost irresistible influence has been brought to bear upon the population by directing and restraining laws. It is one thing to facilitate, and another to command; — and to render small properties possible is not to enact their prevalence.

There is another point in reference to this matter which landlords would do well to consider: — How many years’ purchase would be added to the value of their estates by such a system of registration as should render the sale of land secure, simple, and inexpensive? — How many more years’ purchase would be added by the greater number of customers who would come forward were the sale of small lots rendered feasible and easy? — We all know how immensely the marketable value of any article is affected by facilities of transfer, and by the competition of a larger class of purchasers; but to what extent these causes might operate in raising the price of land in England we have as yet no means of calculating; — we can only guess at it from an observation of their effects in France and in the Rhenish provinces. In Ireland, the additional value conferred upon the properties sold under the Encumbered Estates’ Act, by the mere fact of a cheap Parliamentary title, is, we believe, reckoned to do more than counterbalance the disadvantages of a forced sale.

As usual, evil breeds evil. Artificial stratagems are resorted to to counteract artificial obstacles. The principle of association is brought in to defeat and circumvent legal impediments. ‘Freehold Land Societies’ have been extensively formed for the avowed object of extending the elective franchise to those

whom the Constitution contemplates as its possessors, but whom the collateral impediments we have spoken of debar from its acquisition. They scarcely can be said to offer a channel for *investments*, properly so called; since the investments they offer might be suspected of having been sought less for the sake of the interest they may yield, than for that of the political influence they promise. At least so we should have thought from appearances and from the nature of the principal appeals made in their favour. On the other hand we are assured by parties and others acquainted with the details, that mercantile motives have had greater influence than political with the existing members.

‘ Their object is simple enough and easily understood. Proceeding on the principle that land, when sold in the gross, fetches a lower price per acre than when sold in small portions, particularly in the vicinity of large towns, these societies purchase, with money obtained from external sources, considerable estates, and divide the same among members in allotments sufficiently large to constitute 40s. freeholds. These freeholds may thus be allotted at a price which any skilled artisan in steady employment may easily accumulate in the course of five or six years, by laying aside 1s. 6d. a week out of his wages for that purpose. . . . The scheme was first tried in Birmingham, in a society formed by Mr. J. Taylor of that town. The workmen there had heard of the efforts of the Anti-Corn-Law League, to carry South Lancashire by registering as many of their members as could be persuaded to purchase 40s. freeholds. The average price of such freeholds was separately 70l.; and it occurred to them that by combining the principles of accumulating a considerable fund through moderate weekly subscriptions, with that of buying land at a wholesale cost, and by dividing it in allotments to subscribers at the same price, 40s. freeholds might be brought within the reach of workmen, or at least of the sober and steady members of the skilled artisan class. Persuading others to join them, and securing the countenance and co-operation of several members of Parliament, the first Freehold Land Society was founded in Birmingham in 1847.’ (*Scratchley*, p. 158.)

It is obvious that by this system of procedure another great economy is effected, besides that of the difference between the wholesale and the retail price of land. One original investigation of title — the costly part of conveyancing — will suffice for all the subsequent subdivisions of the estate. Under the combined influence of these causes, the freeholders in this Society appear to have obtained their lots at about 20l. each. This success was so remarkable and unexpected that similar societies rapidly sprang up in every part of the country — in Derby, Coventry, London, Leicester, Wolverhampton, Worcester, Leeds, Halifax, Gloucester, and many other places. It was moreover formally decided in the highest law courts that

votes thus acquired were perfectly good; that the conveyance of land for a *bonâ fide* consideration was valid, even though the avowed object of the vendor is to extend, and that of the purchasers to acquire, the right of voting; and that the endeavour thus to multiply the possessors of the county franchise was entirely consonant to law, morality, and sound policy. Under this encouragement these associations multiplied so fast, that at the end of 1849, the total number of members, in the aggregate, amounted to 14,281, and the shares to 20,475. A later return in October, 1850, states that there were then eighty Societies in operation, with numerous branches; and that 170,000*l.* had been contributed upon 30,000 shares of the ultimate value of nearly one million sterling. In November, 1851, the number of societies were upwards of 100; the number of members, 45,000; the shares subscribed for, 65,000; the amount actually paid up, 400,000*l.*; and the total sum subscribed for, upwards of 2,000,000*l.*

Notwithstanding this rapid popularity, however,—notwithstanding also the high authorities which have pronounced in their behalf,—we cannot look upon these associations with unmixed favour; and we shall be surprised if any long time elapses without well-grounded disappointment and discontent arising among their members. However desirable it may be for a peasant or artisan to be possessor of the garden which he cultivates, and the house he dwells in. — however clear and great the gain to him in this case, — it is by no means equally certain that he can derive any adequate pecuniary advantage from the possession of a plot of land which is too far from his daily work for him either to erect a dwelling on it, or to cultivate it as an allotment, and which from its diminutive size he will find it very difficult to let to a tenant for any sufficient remuneration. In many cases a barren vote will be his only reward for 50*l.* of savings; and however he may value this in times of excitement, it will, in three elections out of four, be of little real interest or moment to him. Moreover elections do not come very often: contested elections in counties are still rarer. So that it will only be perhaps once in twenty years that he will really congratulate himself on his position as a county voter. Then, it must be very seldom, and only under most peculiar and rarely-recurring combinations that a 40*s.* freehold can be purchased (as it was said to be at Birmingham) for 20*l.* This would be to suppose that land can often yield 10 per cent. In the great majority of cases 50*l.* (or an investment at 4 per cent.) will be nearer the mark. If therefore the aspirant has been led into the scheme from a false estimate, and finds himself called upon

to pay two or three times as much as he had calculated on, disappointment and reproach must ensue.

‘Again, when the land is purchased it will be utterly useless in a pecuniary sense to the owner, unless four or five can join together to let their fractions of territory to one tenant; or unless the purchaser contemplates building thereon for his own purposes. A mechanic in a manufacturing town cannot himself make any use of his land; he is ignorant of its management, and can only make a profit from his purchase by letting it to others [at a considerable legal cost]; and even then the expense of employing an agent, with the uncertainty of collecting his small rent regularly, would diminish the advantage of his purchase. Hence it appears probable that much discontent will shortly arise among the poorer members of these societies, who have entered under the impression that in addition to the influence acquired by the possession of a county vote, they would be making a highly lucrative profit from their savings. The comparatively rich member, who can take up several shares, will reap benefit, not only from the greater certainty of being able to turn his land to account, but also from the increase in the general profits of the association, that must accrue through the forfeited shares of those members whose means of existence are too limited or precarious to enable them to be regular in their payments.’ (*Scratchley*, p. 168.)

There are, however, other Societies of which the primary aim has been the acquisition of land simply as a profitable investment for the savings of the poor. It is pleaded, and with a great show of justice, that parties naturally desire to invest in matters of which they have some cognisance; that the various modes resorted to by the artisan of towns for disposing of his savings have no meaning or attraction for the agricultural peasant; that to him land is the great object of desire, and the cultivation of it his most natural, and probably most profitable occupation; that he will lay by with this view when no other motive would be strong enough to tempt him to frugality; and that means should be given him for obtaining the object of his wishes. Considerations of this kind secured a favourable hearing even for the notorious Land Schemes of Mr. Feargus O'Connor; while the eagerness with which shares in his company were sought for, and the absurd premiums given in some cases to the allottees for the possession of their plots, showed how widely spread among the lower classes is the desire of partaking in the actual possession of the soil. It is remarkable, however, that nearly all the shareholders and allottees were town-bred tradesmen — shoemakers, tailors, carpenters, shopkeepers, &c. — scarcely ever agricultural labourers.

Into the details of this remarkable scheme our limits will not allow us to enter. Its merits, both as to conduct and concep-

tion, were fully examined in 1848 by a Committee of the House of Commons, whose six voluminous Reports, now lying before us, we have conscientiously endeavoured to digest; and we are bound to say, that so much daring illegality—so much sanguine misrepresentation—so much wild calculation—so much absurdly golden expectation, combined with unquestionable *bona fides*, were probably never before crowded into a single project. Every estimate seemed to be made on the supposition of a perpetual miraculous interposition—an untiring special Providence watching over the association. Every acre was to yield on an *average* such crops as no acre ever did yield except under the rarest combination of favouring climate, consummate skill, and unlimited manure—and then only occasionally. Every cow was to live for ever, was to give more milk than any save the most exceptional kine ever gave before, and was never to be dry. Every pig was to be a prize ox—every goose to be a swan. The allottees were to pay a full rent, and yet to thrive as no men in this island, farming their own unincumbered property, ever yet thrived. And to crown the whole, the net residue at the end of the year, after deducting rent, taxes, maintenance of family, and necessary outlay, was to be, on an allotment of three acres, 44*l.*, or *two hundred per cent.* on the floating capital employed! The company was to raise a capital of 130,000*l.*, on 100,000 shares of 30*s.* each; and it appears that 70,000 individuals took shares, and that 90,000*l.* was actually paid. With this money estates were bought, divided into lots of two, three, and four acres respectively, and assigned by lot, as far as they would go, among the shareholders who had completed their payments. The allottees were then put in possession of their lots, established in a good cottage, worth 100*l.*, supplied with capital at the rate of 7*l.* 10*s.* per acre, charged a rent equal to 4*l.* per cent. on the sums expended (which amounted, on the three acre allotments, to between 13*l.* and 14*l.*), and then expected to thrive and save at the rate of 30*l.* or 40*l.* per annum. Five estates were thus purchased and parcelled out more or less completely;—but alas! the capital was insufficient to stock them properly; the labour was insufficient to cultivate them properly; skill and knowledge were alike wanting; the crops were scantier and poorer than those on the neighbouring farms; the rents remained unpaid; the fortunate allottees retired in disgust, or sold their allotments to more sanguine or richer men, to such an extent that at the end of the first twelve months, 25 per cent. of the original possessors had vacated their holdings.

The failure of this scheme\*, to the lamentable extent at least to which its failure is now certain, may no doubt be traced mainly to the originally erroneous and deceptive calculations on which it was founded, and to the fact of nearly all the allottees being parties wholly ignorant of agriculture, and in all respects unfitted to meet the hardships or requirements of a rural life. They appear to have met with great kindness and liberal assistance from the farmers near them, who compassionated their delicacy and incapacity; but they could endure neither the cold of winter, nor the heat of summer, and had frequently to employ hired labour for the hard work they were unable to perform for themselves. Had the allotments been taken by experienced agricultural peasants, the results might in some respects have been very different. But the radical objection would still have remained—that under none but the most favourable and the rarest circumstances could such small properties as two, three, or four acres, support a family in comfort without the expenditure of an amount of capital and labour which is never commanded by the purchasers of such. Without entering into detailed calculations, and fully admitting the enormous produce that may in some cases be obtained off a given acreage, by a *proportionate* expenditure of manure and toil—the dilemma in which such small holders are placed we believe may be stated thus;—If the holdings are small enough to be *fully* tilled and manured by the labour and capital of one man and his wife and children, the produce is inadequate to their support:—if they are large enough for the adequate maintenance of a family, they require hired labour and borrowed capital, which, together, sweep away profit. In all the instances we have heard of in this country of very large returns from plots of two or three acres, we have found that the result has been due to the *unlimited* application of capital. It would not be difficult to show why the allottees in Mr. O'Connor's Land Company *could* not have succeeded with the amount of land assigned them, the amount of capital advanced to them, and the amount of rent demanded from them; but our space prevents our entering into the proof: we can only give the conclusion arrived at by the Commissioner who investigated the matter at great length on behalf of the Poor Law Board, and whose view is confirmed by that of others who visited and examined into the position of the different tenants. ‘I think it may be fairly concluded that all those who occupy ‘the Land Company’s allotments, with nothing more than the

---

\* It is now being wound up in the Court of Chancery under a special Act obtained for that purpose.

‘produce of their allotment to depend upon, will fail to obtain ‘a living.’ (*Evidence before Select Committee*, 3367.)

But while the result of Mr. O'Connor's scheme, and of many similar experiments, would seem to indicate that the possession of any small allotment of land — say under six or eight acres — can rarely, in this country, enable the proprietor either to rise in life or to bring up a family in decency and comfort, unless he possesses some independent capital, or can combine his ownership with some other occupation; and is, therefore, an undesirable channel into which to divert the accumulations of frugality and forethought — the case may probably be very different when land is dealt with in larger divisions. It seems possible enough that properties of 25 or 30 acres may be cultivated with success by those who bring to the task a reasonable amount of capital, and such zeal and devotion as ownership commonly brings with it. Accordingly, a scheme was proposed some years ago by Mr. William Bridges, and is now beginning to attract some degree of attention, by which parties of moderate means might be enabled to become purchasers and *bonâ fide* proprietors of estates of various sizes, in Ireland or elsewhere, by a happy union of the principle of life assurance with that of association. Assuming the desirability (either as a general good, or to meet a special social emergency,) of creating or facilitating the creation of a class of independent yeomen, we confess we have never met with a plan which appears so simple, so promising, and, in every point of view, so unobjectionable.

‘The nature of a freehold life assurance company (says Mr. Scratchley, p. 200.) may be easily and concisely explained. Suitable tracts of country being purchased from the existing proprietors, would, unless already in the desired state, be drained, fenced, and otherwise adapted for immediate profitable cultivation at the expense of the company, and, so improved, would be divided into allotments of the proper size [say from 30 to 100 acres], and furnished with the requisite buildings. These allotments would then be disposed of, by conveying the fee simple thereof to chosen persons (who could at once enter upon and profitably cultivate the same) subject to a terminable rent charge, a part of which would consist of the interest of the capital expended, and would be, in point of fact, a rent like that which in the usual relation of landlord and tenant, is paid for the hire of land; while the remainder would consist of premiums which, would be paid by the allottees, on the ordinary principles of life assurance, in order to secure for each the payment at his death of a sum equal to the estimated value of his particular allotment. On his death the sum assured would not be paid to his devisees or representatives; but in lieu thereof they become the absolute possessors of an unincumbered freehold estate.’

In other words, the purchaser is tenant during his life, and becomes absolute possessor on his death; or, to speak more accurately, he at once enters on the full and entire ownership of the estate on the sole conditions of ensuring his life for a fixed sum, and paying a small rent till his death. We will suppose him to purchase 30 acres at the price of 33*l.* an acre, including all buildings &c. needful for the due cultivation of the land—a rate at which vast quantities of good land may be purchased in different parts of the kingdom. The value of his allotment would thus be 1000*l.* If he enter upon it at the age of thirty, his annual payment will be as follows:—

	£	s.	d.
<i>Rent</i> , (or interest at 4 per cent. on the fee value 1000 <i>l.</i> )	-	-	-
<i>Life Insurance</i> 2 <i>l.</i> 5 <i>s.</i> per cent.	-	-	-
	62	10	0

In consideration, therefore, of paying for life, 62*l.* 10*s.* a year, or 40*l.* to the company as landlord, and 22*l.* 10*s.* to the company as an insurance office (which latter sum he may compound for by an equivalent payment down), he at once obtains possession, in absolute ownership, of an estate worth 1000*l.*, and on his death it passes to his heir free from any payment or encumbrance whatever; so that, from the moment of his entrance, he can regard it with all the sentiments and affections of ownership, and can lay out money upon it in full security that the benefit will not be reaped by others—unless, indeed, he should fail in paying the 2½ per cent. yearly premium.

It has not escaped the attention of reflecting men that a certain collateral consequence follows on the spread of saving habits among the poor, which should not be overlooked. In proportion as the custom of frugality and accumulation prevails through the community, will be the tendency of the rate of interest to decline. The greater the amount of savings seeking profitable investment, the greater will be the difficulty of finding such investments. If it be employed in benefit societies and sick clubs, the advantages offered by such societies will tend to diminish. If invested in Government securities, these securities will rise. If laid out in the purchase of land, the price of land—already high—will be inordinately and injuriously enhanced. Moved partly by these considerations, and by others of more immediate force and more easy comprehension, many of the working classes and their friends have recently been endeavour-



ing to find some more lucrative employment for their savings, than investments yielding simple interest can continue to offer. They wish to make their small capitals *productive* as well as profitable. They do not see why, in place of lending their money to others for employment, they should not themselves employ it in some branch of trade or industry with which they are familiar. It is true that a greater risk will probably be incurred in the latter case than in the former; but the additional profit to be realised is tempting, and the independence of the position offered is flattering and attractive. They do not see why they should not combine their several accumulations, and employ them in a business which they understand. Being capitalists as well as labourers, in virtue of their savings, they see no reason why they should not become their own employers; and thus unite the remunerations as well as the functions of the two classes.

From motives and reflections of this sort—stimulated in special cases by the wish to emancipate themselves from special grievances—have sprung those ‘Working Men’s Associations,’ of which we have heard so much of late; which are so numerous in France, and which now, aided by the zeal of certain benevolent theorists, are spreading in this country. Their object is perfectly legitimate; their constitutions are, generally speaking, based on fair and sound principles; the experiment they are trying is one which well deserves to be worked out; the zeal with which they have been taken up by the operative classes, is highly honourable to them; those of them whose rules have been drawn up by competent parties, infringe, so far as we are aware, no axiom of social philosophy, or of that branch of it which belongs to political economy; and we think that they are fairly entitled to the recognition and protection of the law.

Whether they are likely to prosper, except in isolated instances and under peculiar circumstances, is a wholly different, and, for our present purpose, an irrelevant question. Whether the combination of functions which civilisation has hitherto tended to divide, be a retrograde or a forward step; whether the ruling and controlling hand—so essential to the prosperity of all undertakings—can be made strong enough in such republican associations, for prompt and decisive action; whether an elected manager will be able to perform the functions which must be delegated to him, with the same efficient, untiring, uniform probity and zeal which mark the proceedings and ensure the success of the individual merchant, manufacturer, or tradesman; whether the necessary harmony is likely to reign where the

power to enforce subordination emanates from the mere will of a majority which will fluctuate under the influences of intrigue, caprice, or agitation; whether the people can find among themselves the intelligence and education necessary to take a comprehensive view of their interest and of all considerations which may bear upon it, or can purchase that intelligence at a cheaper rate than that at which the usual arrangements of society now supply it to them; all these are questions wholly beside and beyond the mark. We may be of opinion — perhaps we are — that disappointment will be the result of these undertakings; we may deem that experience will show their promoters that, under the arrangements which habitually prevail, the capitalist has not, as they imagine, so very undue a share of the profits of their joint exertions, and that they may find it impossible *perfectly* to fill his place, and to exercise his peculiar functions: we may even think that these associations contain within them seeds of almost certain failure, inasmuch as they presume upon the general prevalence of virtues which, unhappily, are still rare, and on the subjugation of frailties and passions which, alas! are still dominant and rampant. But these are not inquiries into which the Legislature is called upon to enter. The Legislature is not bound, nor is it entitled, to forbid Englishmen to enter into this or that industrial undertaking, because in its wisdom it deems it unlikely to be profitable. It does not lie within its duty even to inquire into this point. In the case of railway and similar great undertakings, the case is wholly different: there Parliament is asked to accord to certain companies extraordinary privileges, one of which is that of limited liability, and another, that of taking land and buildings from other parties without their permission and against their will; — it is, therefore, bound to ascertain what is the probability of success, and whether the gain to the public is likely to be such as should outweigh the violation of private rights. But no such plea can be urged in the case of associations which only ask for the protection of the law in exercising the undoubted privilege of every freeman — that of employing his money in whatever legitimate mode he, in his wisdom or his folly, may deem fit. For the Legislature to refuse this protection on the ground that the adventure will probably turn out a disadvantageous one, and that it ought to protect its subjects from the consequences of their own folly, is to arrogate to itself the functions, and at the same time to impose upon itself the obligations, of the ‘paternal governments’ of the Continent. All that Parliament is called upon to do is to ascertain that the investment or the undertaking proposes no noxious object, violates no moral law, in-

vades no man's rights, is based upon no fraudulent representations, and threatens no public mischief. If the scheme can vindicate itself on all these points, then its promoters are as clearly entitled to the protection of the law, whether their object be the making of dolls' eyes, or the manufacture of cloth, or the construction of steam engines, as if they were great individual capitalists engaged in a recognised undertaking. The scheme may, it is probable, turn out disastrously;—but the people will not believe this on the assertion of their superiors; they will learn contentedly in no school but that of their own experience. The project may have failure written on its face; but it is the birthright of Britons to play at ducks and drakes with their money; it is one of the privileges they most value; one they take care shall not be lost *non utendo*; one, the curtailment or deprivation of which they would resent with especial anger. It is as dear and as indefeasible to the poor man as to the rich: he is entitled in these matters to judge for himself; and to prevent him from doing so by leaving him without any resource, except the Court of Chancery, against fraudulent associates or inevitable disputes, is to do that by a side wind which it is beyond the acknowledged province of English legislation to do directly.

We are at issue with Mr. Mill as to the probability of these 'Working Associations' commanding any general success; but we are glad to fortify ourselves by his authority as to the desirableness of allowing their experiment a fair trial. In his evidence before Mr. Slaney's Committee, he says:—

: 'Even if it were quite clear that they would not succeed, it would be of the greatest importance that they should be allowed to try the experiment, and that they should have every facility given them, to convince those who were trying the experiment that it was tried fairly. Besides, even if such experiments failed, the attempt to make them succeed would be a very important matter in the way of education to the working classes, both intellectually and morally . . . The advantages which the possession of large capital gives, are—not from any intention on the part of the Legislature, but arising from causes into which intention does not enter at all—to a great degree a monopoly in the hands of the rich; and it is natural that the poor should desire to obtain those same advantages by association, the only way in which they can do so. This seems to be an extremely legitimate purpose on the part of the working classes, and one that it would be desirable to carry out, if it could be effected.

'You think then that it would be but just and politic to allow them, under reasonable safeguards, to carry out this experiment; so that if they are right they may receive the benefit, and if they are wrong they may be undeceived in their unreasonable expectations?—Certainly; and there would be this great advantage, that, supposing

those associations embraced only a small part of the working classes, they would have almost the same salutary effect on their minds as if they embraced the whole; because, if a number of those associations were in existence, and they were found to be able to maintain their ground, and to compete well, or tolerably, or under great disadvantages even, with individual capitalists, still the whole of the working classes would see that such disadvantages arose, not from the law, but from the nature of the case, or from the absence of the necessary qualities in them; therefore those who might continue to be receivers of wages in the service of individual capitalists, would then feel that they were doing so not from compulsion but from choice, and that, taking all the circumstances into consideration, their condition appeared preferable to them as receivers of wages.'

The associations in question are Societies of working men, who, instead of accepting employment under an individual capitalist, combine to carry on their own trade or branch of industry in concert, the needful capital being supplied either by their own savings or by friendly loans, or by both sources united. They are, in fact, partnerships of labour, as others are partnerships of capital. They may be composed of mixed capitalists and labourers; and may assign profits to the capitalist on the one hand in respect of his capital, and to the labourer on the other hand in respect of his labour: — or they may be composed, as they generally are, of labourers only, working either on their own capital, or on money borrowed at a fixed rate of interest, and dividing profits solely in respect of labour. In either case they are characterised by a division of profits, either total or partial, among the partners, in respect of the labour performed by these for the benefit of the partnership. In London there are now eight of these associations, composed of tailors, needlewomen, printers, builders, pianoforte makers, shoemakers, and bakers, which are said to be tolerably flourishing. Others have been formed in the provinces; but of their prospects nothing can yet be affirmed. In France, however, these associations have spread much more rapidly. In Paris they are now 197 in number, and some of them threaten to engross the greater part of the trade of their respective branches. Of this number the bakers furnish six, printers four, cooks forty-seven, hairdressers thirty-four, hatters six, shirtmakers five, and shoemakers and tailors four each. In this country their spread has been greatly impeded, and their existence is continually threatened, by the existing law of partnership, which involves any associations at all numerous in much difficulty and expense, and affords them very imperfect protection. Yet by the common law, as well as by the civil law, labour is recognised as forming a proper and valid ground of partnership. Thus,

Collyer on Partnership, p. 2.: ‘Partnership, as between the parties themselves, is a voluntary contract between two or more persons for joining together their money, goods, labour, and skill, or any or all of them, under an understanding that there shall be a communion of profit between them,’ &c. &c. As to the civil law, see 3 Just. xxvi. ; Dig. xvii. t. ii.

As long as the associations consist of fewer than twenty-six members, they work under the common law; if they exceed this number at starting, or should at any future time increase so as to do so, they come under the Joint Stock Companies Act. In the former case they meet with three difficulties, which together are almost fatal to their legal and safe existence. In the first place they have no means of enforcing rules agreed upon among themselves for their own guidance, even if signed by every member, except by application to the Court of Chancery, which, as we all know, is a mere cruel mockery.\* The power of inflicting penalties, or enforcing exclusion against unruly, indolent, or refractory associates, is of course essential to the working of any such association; but in these respects the law affords them no aid. The Rules provide for the appointment of an arbitrator, who shall decide all disputes which arise within the body;—but the law confers no power to enforce his decision. The Rules provide for the dismissal of any associate who shall refuse to submit to the decision of the arbitrator, or disobey any rule, or accept fee or reward from buyer or seller, or absent himself from work without excuse, or commit any criminal offence;—but the dismissal of a partner is impossible in law, and submission to such dismissal is therefore simply optional. Hitherto, in the few cases in which it has been found necessary to enforce it, it has been submitted to; but it is obvious that this could not be counted upon. In the second place, these bodies are without remedy against a peculating or fraudulent associate. The law assumes that the property of the partnership is the property of each member of it;—and accordingly any individual may march off with goods or money belonging to the body, with perfect impunity, as far as any criminal proceeding is concerned, and with no liability whatever to any civil process, except through a Court of Equity. Of course no association can long flourish in such an unpro-

---

\* There is, indeed, a clause in the County Courts' Act, which enables suits for account in partnership matters to be brought into those courts, when the balance to be recovered is under a certain amount; but the clause is imperfect and inadequate, applies only to a particular case, and has in practice been found almost unworkable.

ted condition. As a sample of the actual operation of the law in this particular, we may mention that a working Bakers' Association, which never numbered more than five members, has had to suffer from the frauds of three of them in succession; and at last, though carrying on a flourishing trade, has had to be constituted as an ordinary mastership.\* It is clear that in the case of these associations, prompt criminal, even more than civil, remedies are required. In this respect there is an obvious difference between partnerships of labour and partnerships of capital: redress may be afforded by the *purse* in the latter case; it must be sought for from the *person* in the former. These will be composed entirely of the humbler classes, who unfortunately supply the great bulk of our criminal population, whose passions are stronger, and whose moral restraint is generally less; many of whom will have little or nothing to lose, and can only be reached through personal suffering or inconvenience. Again, it must be observed that the frauds to which these working associations are mainly exposed,—viz., petty abstractions of money, and above all of goods and materials,—are precisely those against which capitalists' partnerships have, practically, in almost all cases criminal remedies; inasmuch as the persons who there have the opportunity to commit these frauds are simply servants, and not partners. Whereas, in labour partnerships, by their very constitution, those functions which are elsewhere performed by hired servants, are here performed by partners. To confine them therefore to civil remedies, is virtually to deny them justice altogether.—The third difficulty is one which we need only name: they cannot sue or be sued in the name of the firm or the managers.

If they exceed twenty-six members, they come under the operation of the Joint Stock Companies Act, which, having been framed with a view to large undertakings and partnerships of capitalists, is wholly inapplicable to their case. Among other requirements, impossible for them to fulfil, this Act requires the deed of settlement to state 'the amount of the proposed capital, 'and of any proposed additional capital, and the means by which 'it is to be raised; and when the capital shall not be money, 'or shall not consist entirely of money, the nature of such

---

\* In one case, however, criminal proceedings were taken with success by the manager against an embezzling associate. It was held by the Court that the accused was *not* a partner, the association being one in which a subscription was required, and he not having paid any money, nor otherwise fulfilled any of the conditions of membership.

‘capital, and the value thereof, shall be stated.’ Another clause requires the division of the capital into equal shares, and the specification of the total number of those shares; also the total number held by each subscriber. Now all these regulations are obviously quite beside the mark in the case of working men’s associations, which begin, perhaps, with three members, and a capital of 30*l.*, and gradually rise to fifty members and a capital of 3000*l.*, and which divide profits according to labour performed, not according to shares held. Moreover, the expense incurred and the penalties risked in the case of joint stock companies working under their special Act, would be fatal to the formation of labouring associations. The expense of certificates of registration, provisional and final, is 5*l.* each; and for the total cost of registration under the Act, 50*l.* would be a low average. Then a penalty of 20*l.* is incurred by delaying provisional registration; 20*l.* for delaying returns of alterations, &c. in the deed of settlement; 20*l.* for delaying half-yearly returns of transfers of shares, &c. &c.

Now what is asked on behalf of these associations is simply a legal existence, with power to sue and be sued, enter into contracts, buy, sell, &c., and a simple and prompt protection against fraud or violation of rules. These objects might be at once and easily attained by the introduction into the Friendly Societies Act, of which we spoke at the beginning of this paper (and which is so great a favourite with the working classes), of a clause including working associations (when duly certified and registered) among those which are there enumerated in § 2. as entitled to the benefit of the Act, or to those sections of it at least (*viz.* §§ 13, 14, 22—30.) which provide for legal existence, prompt decisions, and cheap remedies,—for they do not ask either for exemption from stamp duties, or for precedence in the recovery of debts. All that they demand is in fact that which the theory of English law guarantees to every man, *viz.*—protection in legitimate and honest enterprise, and the easy enforcement of free and fair contracts. A single clause in a single Act of Parliament would give them this.

Many of the above remarks will apply to Co-operative Stores, which have been established in many places by Societies of working men, with the object of supplying themselves with good and genuine articles at a fair market price, and dividing among themselves any accruing profit, in proportion to their dealings. There seems to be no valid ground assignable why these associations should not be entitled to the protection of the law, and why summary remedies should not be afforded them against those frauds to which they are from their nature pecu-

liarily exposed. There appears no reason why workmen who choose to combine their earnings in order to compete, in a regular trade, with individual capitalists, should not be enabled to do so legally and with safety. In fact a clause in the Friendly Societies Act — called ‘the Frugal Investment Clause’ — enables them to do so, *provided they confine their dealings to their own members*: if they sell, even occasionally or by chance, to other customers, they forfeit the protection of the Act. This limitation has been found practically to exclude them nearly all. It has been found almost impossible, among a limited number of subscribers, to dispose of all the goods required for the purposes of trade. Thus, the People’s Mill, at Leeds, the largest and most flourishing co-operative body in England, is said to have suddenly discovered itself to be thrown out of the pale of the law, because while all its *flour* is eagerly bought up by subscribers, it has been compelled to seek elsewhere customers for its *bran*. And, practically the plan set on foot by the co-operative store at Galashiels, has been found to be the most successful one by far — viz., that of selling indiscriminately to subscribers and to the public, but dividing profits among subscribers only, in proportion to their subscription. An alteration of the ‘Frugal Investment Clause’ is, however, required to bring such stores within its scope. The public would probably gain by such an alteration, as these stores are often found to sell a more genuine article, and to give better weight, than other establishments. It is necessary for the shopman to be honest in dealing with subscribers, whose agent he is — indeed he has no motive to be otherwise; while it would be obviously impracticable for him to carry on an unfair trade with the public, side by side with a fair one with his employers, even if every customer were not looked to as a future subscriber, whom it is desirable to encourage and attract.

So far all seems plain sailing: — but here we are met by a very serious and weighty objection urged in the name of simple justice. ‘It is manifestly unjust (it is said) to expose Joint ‘Stock Companies and ordinary Partnerships to the competition of associations which are exempted from the heavy ‘registration fees and other restrictive regulations of the former, ‘and which also enjoy the privilege of cheap arbitration and ‘summary remedy denied to the latter.’ The objection is one which must not be evaded, nor languidly and loosely met. But we think there are three considerations, which combine to deprive it of nearly all its practical force. In the first place, the encouragement and facilitation of investments for the savings of the poor has already been recognised by the Legislature as a



proper object for its attention. It has considered, moreover, that in this country the law affords so many casual, unintentional, collateral advantages to the rich capitalist in the employment of his accumulations, that it may safely, and without incurring the imputation of injustice or partiality, aid the poor man by certain easements and exemptions which may have some countervailing operation. It does this in the case of Savings' Banks; it does this in the case of Friendly Societies and small Insurance Offices;—taking care to surround them with such limitations as shall confine them to the objects for which, and the classes for whom, they were originally designed. It justifies them on a mingled plea of charity and fairness: it combats and neutralises an accidental advantage on the one side by an artificial advantage on the other.—In the second place, the objection from Joint Stock Companies has little weight: the magnitude of the one set of bodies and the insignificance of the other almost preclude the idea of competition;—and what is a more exact and cogent reply—the expense of registration under the Friendly Societies' Act is as great in proportion to the capital of the Association, as it is under the Joint Stock Companies' Act. In the case, however, of working associations and co-operative stores, which would thus be enabled to compete at an advantage with small manufacturers or handicraftsmen, in the one case, and with ordinary tradesmen and shopkeepers in the other\*,—the objection is unanswerable save in one way:—*Do not deprive one party of the advantage, but extend it to the other.* Every citizen who pays his contribution to the State, and obeys the laws, is *ipso facto* entitled to the protection of those laws in every honest and legitimate undertaking, unhampered by formalities which he cannot observe, or expenses which he cannot pay; and to deny him this protection on the plea that to grant it would give him an unfair advantage over another party who has it not, is to countervail one injustice by the commission of another;—it is to remedy the evil by extending it;—it is for the State to compensate one citizen for the non-fulfilment of its tacit contract with him, by offering, most unpatriotically, to be equally backward in its fulfilment towards every other member of the commonwealth. Summary remedies against fraud, and prompt decision of disputes, are the indefeasible claims of every one; and that state of things is self-con-

\* It must be observed, however, that the associations have to pay the expense of registration under the Friendly Societies' Act—a burden from which the small tradesman and the private capitalist are exempt.

demned which is compelled to deny these to one man because to concede them would be to act inequitably to another. In this country we proceed irregularly towards all improvements: ultimate and entire rectification arises out of the grotesque dilemmas into which attempts at partial rectification have landed us;—and in the present case, having, out of a sentiment of charity, granted easy and summary justice to Friendly Societies, we shall find ourselves dragged on, out of a sentiment of equity, to extend it to co-operative stores, and thence, tardily and reluctantly, to partnerships in general.

A very brief and simple Bill was prepared and laid before the President of the Board of Trade during last Session, to give the needful legality and protection to the associations we have spoken of; but, in the press of more exciting, though far more unprofitable matter, it was not found possible to introduce it. We trust, however, that it will not be allowed to lie over beyond another year.

One of the subjects most earnestly considered by the Committee on Investments in 1850, and by another which grew out of it and sat during last Session, was the desirability of encouraging *partnerships with limited liability*, and the mode in which this encouragement should be afforded, if at all. This matter had already been discussed at length in a very able report drawn up at the desire of the Board of Trade, by Mr. H. Belenden Ker, and presented to Parliament in 1837, and again by a Committee of the House of Commons, presided over by Mr. Gladstone, in 1844. The evidence given, and the opinions announced, were singularly conflicting; and the judgments of the most competent lawyers and merchants utterly at variance. The balance, however, unquestionably inclined to the side of a relaxation of the present stringent law of Partnership, by which any limitation of partnership liability, except under a costly charter, is strictly prohibited; by which all partners are responsible for the debts of the concern to their last farthing; and by which any one deriving benefit from the concern in any manner, beyond the receipt of *fixed* legal interest for money lent, is held to be a partner. The Committee, which reported its labours to the House on the 8th July, 1851, while regretting the obstacles placed by the existing law of Partnership to many useful undertakings, shrank from the responsibility of giving a bold opinion in favour of the general introduction of limited liability, and resolved as follows:—

‘That the law of partnership, as at present existing, viewing its importance in reference to the commercial character and rapid in-

crease of the population and property of the country, requires careful and immediate revision.

‘They recommend, therefore, the appointment of a Commission of adequate legal and commercial knowledge, not only to consider and prepare a consolidation of the existing laws, but also to suggest such changes in the law as the altered condition of the country may require; especial attention being paid to the establishment of improved tribunals, to decide claims by and against partners, in all partnership disputes; and also to the important and much controverted question of limited or unlimited liability of partners.’

Those who advocate the introduction of the system of limited liability in this country, argue thus\*: (1.) England is an exception to the rest of the world in this particular. America, France, Holland, and the Continent generally, admit, and have long admitted, partnerships with limited liability in various forms, not only without injury, but with decided public and individual advantage. In France, these partnerships are almost universal in the case of extensive undertakings, and are such favourites, that in 1847, out of the new partnerships registered, 164 were of this nature. In case of bankruptcy, it is alleged that they pay on an average much higher dividends than others. In Holland, many of the most useful projects, (such as reclaiming land from the sea) have been carried out by means of limited partnerships, into which projects, without such limitation, prudent men would not have entered. In the State of New York, which, from the enormous extension of its commerce, may be considered as a fitter parallel for us, the law of limited liability exists, guarded by the simple guarantee of publicity, and no inconvenience is found to arise therefrom.—(2.) Hundreds of undertakings, which would not only yield a fair profit to the projectors, but be of vast public advantage, are prevented in this country by the law of unlimited liability. Such are plans for local improvements, bridges, roads, &c., and in more than one instance, associations for building model lodging houses and cottages for the poor. Thousands of benevolent individuals, who would thankfully risk a hundred, or a few hundred pounds for a valuable object of this sort, in which there is a vastly preponderating probability of success, are deterred from joining in it, under a law which makes them liable for all contingencies, in the language of a great legal authority, ‘to their last shilling and their last acre.’—(3.) Great numbers, both of men and women, possessed of small means, to whom an increase of income is a great object,

\* Evidence of Messrs. Mill, Ludlow, Neale, Hughes, &c. — *Partnership en Commandite*, p. 213.

but absolute security a still greater, and who would gladly seek a higher return for a portion of their capital by investing it in industrial undertakings, dare not do so, where by the existing law they would become partners liable for the whole engagements of the concern. They are consequently driven upon landed and Government securities, the price of which is thus artificially enhanced, and their interest constantly reduced.—(4.) The general desire for investments of varying return, but of limited liability, is shown by the wild and irrational rush into all undertakings, such as railway and foreign loans, where limited liability prevails. The railway manias may be distinctly traced to our existing law of partnership:—an alteration, which by introducing limited liability *generally*, should take away from these undertakings their special seductive feature, would do more than any other change to check these periodical follies and the panics which invariably follow.—(5.) Commercial and industrial enterprises of magnitude would fall into the hands of more prudent men, to the incalculable gain of the public,—since it is, at all events, a *primâ facie* argument against a man's prudence, that he should engage with a number of others in an enterprise, for the success of which, not merely the sum he may embark in it, but his whole fortune, is responsible.—(6.) The security of the public which deals with these limited associations, would be increased in two ways:—in the first place, as the sum for which each partner was responsible would be duly announced and registered, the public would know to a shilling the capital on which the concern was trading—an advantage, which under the present system it never possesses; in the second place, in case of failure, the parties who now lend money to the concern, and consequently come in *as creditors*, would in the other case have become limited partners, and their contributions or loans would therefore be *available to the creditors*.—(7.) It is urged, further, that the Legislature steps out of its province when it interferes to prevent parties from combining in any manner they may think fit for legitimate and useful purposes, provided only that the public be secured against deceptive secrecy, or fraudulent misrepresentations.—(8.) And, finally, it is alleged that the law of limited liability, in the form of *commandite* Partnership has already been sanctioned by our Government, inasmuch as an Act (still in force) was passed for Ireland in 1782: (21 and 22 Geo. 3. c. 46.) legalising such partnerships when entered into for periods not exceeding fourteen years, and when willing to comply with certain simple formalities.

It is not easy to weaken the cogency of arguments such as

these; but it is urged by the supporters of the existing law\*: (1.) That the laws of foreign countries can seldom be adopted with safety as applicable here, inasmuch as the analogy is never perfect; that peculiar circumstances and long habit may render principles safe and beneficial in America, Belgium, or Holland, which would be dangerous or noxious in England; and that partnership *en commandite* is considered by many parties not to work well in France. (2.) That however desirable a change in the law might be in poor countries, where it was important to tempt capital into industrial enterprises by every encouragement that could be offered, no such motive exists here, where the rate of interest is so low, and the amount of capital constantly seeking investment so enormous, that no project, however attended with risk, which offers a fair prospect of remuneration, ever languishes or slips through for lack of means. (3.) That if the change were complicated with such restrictions as would be needed to secure the country from its evil consequences and possible abuse, the complaints and confusions would be endless, as may be gathered from the difficulties which have arisen under the Joint Stock Act, and the Winding up Act;—if the change were ‘pure and simple,’—absolute and unconditional, we should have such a sudden and terrific burst of speculation as would throw all previous manias into the shade; companies would be formed for the wildest and the most trivial projects: partnership associations would multiply, down to six-penny toyshops; the savings of the middle and working classes would rush into schemes of every conceivable degree of delusiveness, and the most wide-spread ruin and the bitterest disappointment would be the result.

The conclusion which forces itself upon our minds after hearing the pleadings of the two parties, is clearly this:—That partnerships with limited liability are desirable and just,—but that great caution is needed in the introduction of them. There seems no difficulty in reconciling the two requirements—the demands of individual interest, and of public safety. Happily, we have the opinion of an eminent lawyer and a high authority, Mr. Bellenden Ker, in his well-known report, that the proposed change might be easily and effectually added to our present law, and might be guarded by such provisions as would secure justice both to partners and to creditors;—and we have, in existing arrangements, a mode by which such limited partnerships might be established without risk of the excessive consequences which have been urged as likely to result from their sudden and

\* Evidence of Mr. Bellenden Ker, — Jules Lechevalier, &c.

unchecked prevalence. The Crown can now grant, through the instrumentality and on the responsibility of the Board of Trade, charters of incorporation, where, in its wisdom, it shall deem fit, — such charters conferring the privilege of limited liability — each shareholder being answerable only to the extent of the full amount of his share, — and enforcing publicity of accounts, shares, and transfers. But the expense of obtaining these charters has hitherto been so great as to render them virtually inaccessible to any but large undertakings and wealthy parties. It is in evidence, that a company which was formed for the purpose of improving the dwellings of the poor in the county of Gloucester, was broken up in consequence of the inability to obtain a charter except at a cost which would have been fatal to their humble means; — and a similar association in London, which did obtain such a charter, was almost ruined by it: the charter and the legal expenses attending its procuring, exceeding 1100*l.*, of which, 724*l.* went to the various departments of the Government. The Committee of last Session recommend, that charters conferring limited liability shall be granted on much easier terms, and on certain fixed rules; and Mr. Ker appears to concur in the suggestion. By this means all *bonâ fide*, reasonable, and hopeful enterprises might be rendered practicable and easy; while at the same time, the wild burst of speculation and fraud, anticipated from a simple and absolute legalisation of limited liability, would be avoided.

Limitation of liability, however, is chiefly desired for the sake of the middle classes and the public: the poor care little about it; the amounts which they would venture would generally be their all. There is, however, one form of it which it is thought might greatly benefit them, and which is strongly recommended by so high an authority as Mr. Mill. This is *partnership en commandite*, which affords peculiar facilities for the union of large and small capitalists in joint undertakings; and would enable manufacturers, for instance, in this country to associate their saving workmen with them as partners having a direct interest in the success of the concern, without at the same time giving them the powers or privileges of partners to interfere, to mismanage, or to peculate, as they might do by the existing law. By the law of *commandite*, commercial or manufacturing companies may be formed with any number of partners, who are divided into two classes, — the *general* partners, who are usually (or are supposed to be) the largest capitalists, who are responsible to the public to the extent of their entire property, and who retain the uncontrolled management of the business; and the *special* partners (as they are termed in New York), the

*commanditaires* (as they are named in France), who are liable only to the amount of the capital they have subscribed (*which amount is duly advertised*), and who are precluded by law from any interference in the conduct of the enterprise. By this arrangement, the *managing partners*, of whom alone the public has cognisance, are, as by our ordinary law, responsible with their whole property; and, as against them, the public has therefore the same security as now; while, as against the inferior or special partners, whom it does not know, and who — as comparatively exempt from risk themselves — might be disposed to be more reckless and venturesome in their mode of carrying on business, it has the security that they are entirely excluded from any share in the conduct of the concern. The public, again, has the further security that, in case of bankruptcy, the property of these secondary partners goes to swell the *assets* of the estate; whereas, had they merely *lent* their money to the concern (as, under our law, they probably would have done), they would claim as creditors, and so swell the *liabilities* of the estate. To the chief partners, this law offers the advantage of enabling them to increase their own means by the contributions of others (whose knowledge of their skill and integrity induces them to confide their smaller capitals to their charge), without feeling that they are incurring debt thereby; and they are thus enabled to carry out many enterprises which, however safe and profitable, they could not otherwise have undertaken. To the secondary partners, the law offers an easy and advantageous mode of becoming partakers in the profits of capital — a great object of ambition with all the industrious — with only a modified degree of risk, and of thus securing a higher return upon their savings than mere Government securities can ever offer. It enables them to lend money at a rate of interest *fluctuating with the success of the undertaking*, instead of at a fixed rate — a plan surely quite legitimate and beneficial both to borrower and lender.

Now, we are quite aware that there may be objections to the introduction of such a law into England. It is possible — nay, probable — that disappointment might be the most general issue of the associations in questions. We are not blind to, nor would we make light of, the chance that the hard savings of workmen may in some cases be lost by entrusting them to imprudent or dishonest employers, or by the facilities afforded to over-rash and confident speculators. But a regard for the wishes of industrious and respectable operatives seems to demand that the plan should have full consideration, and, if possible, a fair trial. Among them, as we have often had occasion to observe, there

has long existed a rooted dissatisfaction with the remuneration of their labour. They are convinced that the division of profits between the employers and themselves — of the produce of their conjoined capital and labour — is unfair; that they, as labourers, receive only scanty and inadequate wages, while the capitalist, their master, pockets enormous returns upon his investment, which *they*, as they conceive it, make profitable for him. That this impression is generally unfounded, and is often the very reverse of true, few persons closely acquainted with the matter will dispute; but it is so ingrained into 'the artisan mind,' and has been so recklessly confirmed by the wild assertions of both orators and writers, that nothing but experience will disabuse them of it. It is on all accounts very desirable that workmen should, where it is practicable, be made practically cognisant of the uncertainties of the manufacturing or other enterprise in which they are employed — that their interests should be more closely and more *obviously* bound up with those of the capitalist who employs them — that they should learn, by individual experience, what the profits of capital, when fairly reckoned, really are. As long as such participation is denied them, they will continue, and perhaps ought to continue, dissatisfied, jealous, and suspicious. They would not perhaps, on the whole, be richer, but they would assuredly be wiser and more contented for the experiment. To some such plan we should look, not without hope, as the best means of eradicating that hostile feeling which too often subsists between the operative classes and their employers. The latter, we are sure, would be gainers by the attempt. A manufacturing enterprise, in which all the head workmen should be partners *en commandite*, and should, in consequence, feel their own interests bound up with the success of the concern, without having any right of interference with its management — would find itself possessed of quite a new element of prosperity. Economy would be studied — processes would be shortened — waste would be avoided, and energy would be infused into every department, to a degree unattainable in concerns conducted in the ordinary way. It would be as if the master could be omnipresent — personally and incessantly watching each department and subdivision of the business. But the chief benefit most unquestionably would be this: that, if successful, the operative would cease to be jealous of his master's prosperity, because he would be a sharer in it; and if unsuccessful, he would learn to 'accuse no man falsely, and 'to be content with his wages.' The bitter controversy between capital and labour, as to the division of their joint earnings, would receive the only satisfactory solution of which it is



capable, by combining the two controversialists in one actual experiment together.

Some of our Christian Socialist friends will imagine they can trace, in certain passages and expressions of this Article, indications of an approaching conversion to their views. We can encourage no such hopes. We must remind them that we are the advocates of nothing here which we have not recommended often before; and we pray them to observe that there is a wide difference between wishing that the principle of co-operation should have a fair field, and believing that it ever can, or ought to, supersede the principle of competition. We are as far as ever from conceiving that working men's associations and co-operative stores will prove the agencies they are expected to be for the regeneration of our social state. We anticipate that the attempts to combine the functions and monopolise the profits of labour, capital, and superintendence in the same hands, will, in the majority of instances, result, as they always have resulted, in failure and disappointment; that the same good sense and the same experience which originally led to the separation of the capitalist and labourer—operative and superintendent—manufacturer and merchant—producer and distributor—will reproduce and perpetuate these distinctions; and that their harmonious combination as separate functions, and not their artificial amalgamation, will continue for an indefinite period—in spite of occasional and experimental exceptions—the normal condition of the several elements of the economic world. Still, though Christian Economists, and not Christian Socialists; though holding the great truths of Economic Science to be ascertained and unassailable, and the great facts, propensities, and principles of human nature to be permanent and ineradicable; though convinced, therefore, that schemes which run counter to those truths must come to nought, and that hopes founded upon the extinction or transmutation of these propensities and principles are built upon the sand; yet, above all and before all, we are lovers of justice. We know that no experiment can be fairly pronounced upon till it has been fairly tried. We know that the trial and failure of any scheme can alone disabuse its advocates of their sanguine anticipations. We believe that the working classes now possess so much power and so much intelligence, that it is idle, and would be foolish, to thwart any of their legitimate endeavours to help themselves, and to find their own way out of their own dilemmas; and that in political position and in mental activity, at least, if not in wisdom, they have passed that stage of helpless and submissive

childhood in which the State could and ought to prevent them from 'swearing to their own hurt,' and might fitly step in to spare them from learning in the common and costly school of human nature—that of experience. We think, moreover, that these co-operative associations may be one of the most powerful of the many influences now at work for the education of the lower orders of the people; that wisdom will be gained, if not wealth, from the industry, self-control, and mutual forbearance needed to conduct them; and that—like the children of the wise old man who set them to dig over his land in all directions for hidden riches (which was not gold, as they supposed, but the fertility which they thus unintentionally conferred upon the soil)—these associated labourers may find in their experiment, not indeed the treasure which they seek, but a treasure not less real nor less lasting. The principle of association is unquestionably a mighty and prolific one;—if, as Socialists conceive, it does really contain a secret strength by virtue of which society can be purified, its wounds healed, its heartburnings soothed, and its bitter animosities lulled to rest for ever,—why, the fairer field we afford to its development, the sooner and the surer will this vivifying energy be brought to light. If, as older and soberer men—who 'stand upon the old way'—incline to fear, these sanguine hopes are in the main delusive, and altogether exaggerated,—why, the more free and unhampered be the opportunities offered for the trial, the more clearly and promptly will the delusion be made manifest. At all events, it is not well to leave to the advocates of Socialism the possibility of ascribing the failure of their schemes, not to the inherent unsoundness of their principles or the native impracticability of their means, but to artificial impediments—to the injustice of the law—to the envy or the enmity of the rich and great.

- ART. VI.—1. *The Liturgy of the Church of Scotland, or John Knox's Book of Common Order.* Edited and carefully revised by the Rev. JOHN CUMMING, M. A., Minister of the Scotch Church, Crown Court, Little Russel Street, Covent Garden. London: 1840.
2. *Calvin's Tracts.* Containing Treatises on the Sacraments, Catechism of the Church of Geneva, Forms of Prayer, and Confessions of Faith. Printed for the Calvin Translation Society. Edinburgh: 1849.
3. *La Liturgie, ou la Manière de célébrer le Service divin dans l'Eglise de Genève.* Genève: 1828.

4. *Lateinische und Griechische Messen, aus dem zweiten bis sechsten Jahrhundert.* Herausgegeben von FRANZ JOSEPH MONE, Archivdirector zu Karlsruhe. Frankfurt am Main: 1850.
5. *Liturgy, Episcopacy, and Church Ritual.* Three Speeches by Dr. WILLIAM LAUD, Archbishop of Canterbury, and Martyr. Oxford: 1840.
6. *Two Speeches in Parliament of the Right Honourable William, Lord Viscount Say and Seale.* London: 1841.
7. *Dr. Martin Luther's Sämmtliche Werke.* Bd. 22. Erlangen: 1833.
8. *Ἡ τοῦ ἁγίου Ἰακώβου Λειτουργία. The Greek Liturgy of St. James, edited with an English Introduction and Notes.* By the Rev. W. TROLLOPE, M.A., Pembroke College, Cambridge. Edinburgh: 1848.
9. *Reliquiæ Liturgicæ.* Documents connected with the Liturgy of the Church of England. Edited by the Rev. PETER HULL. In Five Volumes. Bath: 1847.
10. *Fragmenta Liturgicæ.* Documents illustrative of the Liturgy of the Church of England. Edited by the Rev. PETER HULL, M.A. In Seven Volumes. Bath: 1848.
11. *Origines Liturgicæ; or, Antiquities of the English Ritual, and a Dissertation on Primitive Liturgies.* By the Rev. WILLIAM PALMER, M.A., of Worcester College, Oxford. Oxford: 1832.

THERE are few persons we are persuaded who would not, at any time and under any circumstances, regard the investigation to which we are invited by the works before us as important and interesting in a very high degree. The history of Liturgies, of the various modes in which Christians, from times little subsequent to those of the Apostles, down to our own, have judged it decorous and becoming that they should collectively approach the Almighty, could never have been told in a Christian community to indifferent ears; but there are tendencies peculiar to our country and our time which, whilst they add to the permanent and universal interest of the subject, seem to impose upon each of us the duty of seeking, for his own individual guidance, the solution of various questions which fall within its scope.

After the lapse of more than a century and a half, during which men seemed tolerably agreed to hold external forms of worship as belonging to the non-essentials of religion, and their rejection or adoption, consequently, as a question of expediency,

we have had, without any very apparent cause, except the periodical recurrence of human folly, a revival of opinions more extreme than those either of Laud or the Covenanters. One class of persons we now daily see around us, approaching not only ritual forms, but even the most trivial and accidental usages of external worship, with an abject prostration of individual judgment which nothing could justify, short of a well-founded belief that they were indeed the institution of Christ himself. We have no lack of living examples of those, of whom Milton said in his time, that ‘they cannot think any doubt resolved, or any doctrine confirmed, unless they run to that indigested heap and fry of authors which they call antiquity,’ and who conceive themselves as much bound by a well-authenticated custom of turning towards the altar when they mutter the creed, as by any article of faith which it contains. With such persons all power of distinguishing between the accidental and the necessary, the means and the end, is lost, and thus it is that the architectural arrangements of the church, its furniture, the dresses of the clergy, the order of the services, and the manner of reading them (none of them indifferent matters, when reasonably viewed), acquire a degree of importance which often seems scarcely consistent with mental sanity.

Opposed to these we have those with whom, in Laud’s words, ‘a barn is as good as a church, and no church holy but that which is slovenly even to nastiness.’ In their case again the tendency is to repudiate, without scruple as without investigation, all that the good and the wise of former times have thought, said, or done, and to tread under foot the results of much learned and honest labour, as if to the institutions of Christian worship alone had been denied that progressive development, which they themselves would regard it an extravagance to doubt with reference to any other. One party denies all power of judging to the present, and trusts for its guidance solely to the dim and coloured light which shines through the painted windows of mediæval tradition, whilst the other acts as if the opinions of mankind for more than a thousand years must necessarily have had no other foundation than folly or ignorance or chance.

Between the representatives of these extreme views, there is doubtless a very large portion of the community who are sane and sober enough, who neither distrust their own judgment nor are wholly sceptical as to that of their fellow men, either dead or living. We are even disposed to think that at no former period of our history has there existed so large a class of intelligent persons in a condition to regard the

question of forms or no forms with a dispassionate temper. There is no risk of any one in our day having 'a bloody rubric' engraved with the sword on his back,' and though in many the pertinacity of opposition is unabated, its bitterness in the mass of laymen at least is no longer such as materially to distort the judgment. In the case of the unbiassed portion of the community, however, we apprehend that there is a tendency to dispose of such matters rather too hastily, and it is against this that we are anxious to guard ourselves in this Article. We would not willingly write down, under the head of non-essential or indifferent, every opinion which is capable of being pushed to an unreasonable length. There may be opinions very clearly indicated in Holy Writ, there may be recommendations to particular lines of conduct, which are intended to be received under certain limitations, which have reference to particular circumstances, and which within these limits, and dependent on these circumstances, we ought by no means lightly to overlook, but which, if raised up into positive injunctions, and placed unconditionally on the same level with the indispensable requisites to salvation, will carry us into endless absurdities and childish superstitions. Within the legitimate category of non-essentials again, there is a distinction between the expedient and the non-expedient, which as men, and by the aid of our mere human judgment, it is our province, and our privilege, and our duty, to draw.

But before we attempt to give consistency and clearness to the views of those who, with ourselves, incline to regard this question in the lower light, either of Scripture indication, or of mere expediency, we must endeavour to dispose of the opinions of the two contending parties who pretend respectively to solve it on higher grounds. Our first intention with reference to this branch of our subject, was to request our readers to accompany us through an enumeration of the texts commonly cited on either side, and then, by a process of mutual cancelling, to induce them to join in the opinion of their inconclusiveness, which previous acquaintance with them had long since impressed upon ourselves. We had proceeded but a little way in our systematic ordering, however, when we perceived that it was not apparent contradiction, but absolute silence, that we had to contend with. We had the holy Martyr Laud on the one side, and the honest Westminster divine Gillespie on the other, equally at fault in their attempts to wring from the texts a positive response. The self-same words were adduced by both parties, and so little way did they go on either side as to fill us with despair when we attempted to set up the

semblance of a case of positive injunction for the one or the other. 'Let all things be done decently and in order,' exclaimed the ritualist, triumphantly, whilst these very words stood, with equal reason, at the head of the Westminster Directory, side by side with the twenty-sixth verse of the same chapter (1 Cor. xiv.), which was likewise the motto to Mr. Trollope's edition of the Greek Liturgy of St. James! We had St. Paul's affecting separation from the Church at Miletum produced as an instance, as it no doubt was, of proper genuine extempore prayer; but when we considered the occasion we could not but see that it made nothing for the argument in favour of its use in the congregation in ordinary circumstances. It was not an expression of the ordinary and normal feelings of assembled Christians, of their wants and necessities, by the mouth of one selected to approach the Almighty at stated times and seasons on their behalf, but it was an outpouring of supplication by the departing Apostle, dictated by his own individual anxiety for their welfare, and to which they doubtless responded, not by repeating his words, but by giving utterance, each after his own fashion, to corresponding petitions for his safety. Not only was the occasion so special as to render any general form of prayer inapplicable, it was likewise one which had filled the hearts of all to such an extent as to make it well nigh impossible that their speech could have been restrained within the limits of a prayer which had been composed for ordinary circumstances. If we could calculate on a daily and hourly recurrence of such sentiments as must then have burned within the breasts of the Elders at Miletum, we should have no need for artificial aids to devotion. Those who were 'sorrowing most of all for the words which he spake, that they should see his face no more,' would pray appropriately enough without the help of a liturgy.

A similar inconclusiveness hung so obviously over every other passage which we examined, that we were not long in concluding that our most prudent course was to take for granted, that our readers would be willing to dispense with further proof of a fact, the reality of which, every attempt to call it in question only served more firmly to establish. All that remained to us on the positive side, was the injunction with which the dominical prayer is introduced (Luke, xi. 2.) *ὅταν προσεύχησθε λέγετε*, 'when ye pray, say—' the binding nature of which we believe most, even of our modern Calvinists, are willing to recognise, and the practical recognition, by the daily conduct of our Lord and his disciples, of the Jewish ritual which existed in their time. This latter circumstance seems to hand the burden of

proof over to the side of those who object to ritual observances, — for neither a law nor a custom can be got rid of by mere inference, and consequently the part of the advocate of extempore prayer will not be ended even when he shall have explained away the texts of the ritualists, and cleared the ground from all injunction. It is besides important to the ritualist, because it accounts in a very satisfactory manner for the small amount of positive injunction by which his own case is supported. No one in Christ's time had called the propriety of formal prayer in question, and consequently no opinion in its favour was expressed otherwise than by implication. In such circumstances it is nothing more than natural to suppose that the conduct of Christ should be more significant than his words.

From this branch of our investigation then it results :—

1. That the Lord's Prayer is the only form of words, the use of which is enjoined in the New Testament.
2. That the uniform practice both of Christ and his Apostles was such as to indicate their approval of ritual prayers.
3. That extempore public prayer, on ordinary occasions, is nowhere recommended or even sanctioned.
4. That extempore prayer, even in public, on extraordinary occasions, is sanctioned by Apostolic example.

It will be observed, that we distinguish between public prayer on ordinary occasions on the one hand, and public prayer on extraordinary occasions, and private prayer on the other; and the ground upon which the distinction rests furnishes, as it seems to us, a measure of the extent of applicability of a ritual. Wherever our object is to give utterance to the feelings, or to express the wants of mankind, in their normal condition and position towards their Creator, this we believe will be accomplished, not only as well, but better, by a form drawn up by several individuals, and in the composition of which, they shall avail themselves of the experience of many Churches and many ages, than by the extempore utterance of one person however earnest and however gifted. The circumstances with which we have to deal are here invariable, and consequently admit of having premeditation fully applied to them. But no two public calamities or private afflictions, the circumstances of no two families, of no two individuals are precisely identical: in these we have no fixed quantity—nothing to which a formula can accurately apply, and consequently a directory, in which a general idea of the train of thought and manner of supplication suitable to such circumstances should be indicated, would probably be preferable to any formulary.

The question of forms or no forms, in the general service of

the sanctuary, being thus left unanswered in the New Testament; except to the extent to which the practices and expressions of which we have spoken may be thought to have answered it, it becomes important to discover what interpretation has been put upon these: 1st, by those Christians who, from the time at which they lived, may be likely to have possessed special opportunities of discovering their true meaning; and 2nd, by the majority of Christian Churches.

The subject of traditionary authority is one which, in these days, we fear even to mention without a caveat. Believing, in common with all good Protestants, not merely in the right but the duty of private judgment, and feeling that no guidance *ab extra*, however trustworthy, can warrant us in extinguishing the light of our subjective understanding; nay more, being persuaded that no delegation of priestly duties can remove the character of personal priesthood which adheres indelibly to every individual Christian, or free him from the responsibilities which this character imposes, among which, not the least is that of searching the Scriptures, we regard it as no presumptuous expression of petulant self-sufficiency when we say, that we should not have wavered in adopting the consequences of our own conscientious researches, and our humble but honest thinking, had the universal tradition of Churches, and the practice of every Christian community, from Christ's time to our own, been opposed to them. Ground for most painful hesitation such a circumstance certainly would have afforded, and reason enough for again and again anxiously and prayerfully reinvestigating the subject, but not, assuredly, for the abandonment of opinions, which were either the results of an unbiassed and informed judgment, or the unequivocal answers of an unhesitating conscience. Whatever opinions, so arrived at, may have been to others, to us, whilst our belief in our own mental sanity remained unshaken, they must have been 'Victory and Law.'

But if, on the other hand, it should seem that not we ourselves, but those who differ from us, are left in this distressing minority, then to them also we must be ready to extend the benefits of that principle by which we profess to regulate our own conduct. If it shall appear that amongst all the churches of Christ which have existed throughout the world, either previous to the Reformation or since, the Presbyterian Church of Scotland stands alone in this matter; nay, further, that its present opinions are at variance with those even of its own original founders, we shall then be furnished, it is true, with reasons as strong as may well be imagined for suspecting the presence of error, but by no means with a title to enforce a



compliance with what we believe to be truth. It was the mistake of Laud and all who have persecuted for the faith, that in attempting to vindicate some peculiar Christian dogma, they have imposed the necessity of a violation of one of those original immutable laws of our responsible being, the fulfilment of which was the primary object of Christianity itself.

Immediately subsequent to the Apostolic age, probably before the close of the first century, we have an account of the Christian worship by the hands of a Roman proconsul, which, though it has been quoted *ad nauseam* for other purposes, has, perhaps, scarcely received the weight which is due to it in this discussion. It is the celebrated letter of Pliny to Trajan. His words are, 'Affirmant . . . quod essent soliti stato die ante lucem convenire, *Carmenque* Christo, quasi deo, *dicere secum invicem.*' It will be unnecessary that we should do more than remind our readers, that although the word 'carmen' has in this passage been usually supposed to refer either to the Psalms of David, which the Christians had retained from the Jewish Ritual, or to hymns which they had composed, such is by no means a necessary interpretation, since the word is in common use among the best Latin writers for every species of formula, not only for the response of an oracle, a form of incantation, or an inscription on a tomb, which might possibly have been conceived in verse, but for legal formularies which we know were not. 'Lex horrendi carminis erat.' (Livy, i. 26. §.) 'Recitabat rogationis carmen' (the form of the Bill).

Nor ought it to be overlooked that the words 'secum invicem' convey the idea of alternate recitation or responses. If we were asked at the present day to embody in four Latin words a description of a Christian Litany, and the manner of saying it, we should have difficulty in finding more appropriate ones than 'carmen dicere secum invicem.' The subsequent part of the passage—'seque sacramento non in scelus aliquod obstringere, sed ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent, ne depositum appellati abnegarent,'—evidently has reference to the repetition of the Commandments; and then comes the Communion, 'Quibus peractis, morem sibi discedendi fuisse, rursusque coeundi ad capiendum cibum, promiscuum tamen, et innoxium.' According to a custom which long after continued, the Eucharist was not joined with the rest of the service, but was celebrated as a species of mysterious rite, from which all but the baptized were excluded, at another hour, and frequently at another place. We have thus, even at this early period, pretty nearly all the parts of the regular Church Service of after-times; and we have, also, what we shall pre-

sently find to be the only features of resemblance distinguishable in liturgies, something approaching to the same division and arrangement of these parts. First there are the Morning Prayers, including, in all probability, the Lord's Prayer and the Creed, then the Commandments, and, lastly, the Communion.

Such is the small amount of information which heathen literature furnishes us on this subject. We must now endeavour to discover to what extent it is elucidated by the practice of the Churches. From the time of Pliny, till the end of the third century, the names by which they were known are the only indications which we possess of the nature of Christian prayers; but these are not altogether unimportant. Justin Martyr speaks of them as *κοινὰ εὐχαί* (common prayers); and by Origen they are called *εὐχαὶ προσταχθεῖσαι* (constituted prayers); terms which could not well have been applied to unpremeditated supplications.

It may surprise some of our readers to be told, that—notwithstanding the vast amount of zealous talk which they daily suffer at the mouths of their Anglo and Scoto-Catholic friends on the subject of 'our Catholic Liturgy,'—it is a fact now admitted, so far as we know, by all ritualists who are not blinded either by ignorance or passion, that not only no Catholic Liturgy exists now, but that none ever did exist. Palmer, in his '*Origines Liturgicæ*,' which is still the standard work on the subject, and the tendencies of whose author certainly were not to depreciate liturgies, candidly says, 'It seems to have been often assumed by the learned, that there was originally some one apostolic form of liturgy in the Christian Church, to which all the monuments of ancient liturgies, and the notices which the Fathers supply, might be reduced. Were this hypothesis supported by facts it would be very valuable. But the truth is, *there are several different forms of liturgy now in existence, which, as far as we can perceive, have been different from each other from the most remote period.*' Nor is the discovery one for which much merit is due to Mr. Palmer; for the comfortable idol, over the destruction of which he seems disposed to shed a Catholic tear, is one to which the prototypes of our present zealots did not feel entitled to sacrifice. Archbishop Laud continually speaks of Formularies in the plural number; and in the Speech which we have placed at the head of this Article he says expressly, that 'the true reason why we cannot show the exact primitive forms, is because they were continually subject to alterations both in times and places.' The fancy of the 'one Catholic Apostolic Liturgy' being thus abandoned, the next question that presents itself is,—do there exist more liturgies than one which can claim an Apostolic origin?—and here, again,

the negative of those who have investigated the subject is equally decided. Though several of the ancient liturgies bear the names of Apostles, it has been satisfactorily shown that these were conferred on them at periods long subsequent to the Apostolic age; and, as regards the Liturgy of St. James, the most celebrated of them all, Mr. Palmer has been unable to trace back the appellation beyond the fifth century. Though Mr. Trollope, in the introduction to his edition of the Liturgy of St. James, manifests some repugnance to Mr. Palmer's views as to the manner in which the name arose, or, rather, to the conclusion against the Apostolic origin of the Liturgy to which they lead, he does not bring forward a single fact or argument which tends to invalidate Mr. Palmer's reasoning.

One rather instructive fact with reference to the pretended pedigree of existing liturgies is, that they were not at first committed to writing. Le Brun contends that none of them were so committed earlier than the fifth century; and though Palmer contests this opinion, he admits that there is no reason to think that the Liturgy of the Apostolical Constitutions, which was the first, was written before the end of the third or beginning of the fourth century. The explanation which is given of this startling and, at first sight, incredible fact, is, that from the persecutions to which the faithful were then continually exposed, they refrained from committing to writing any thing which could have been used in evidence against them. Applying the command of our Lord, 'Give not that which is holy to the dogs,' to their own circumstances, they scrupulously concealed the nature, and the mode of celebration, of the holy Eucharist, from those who were likely to misapprehend and revile it; and as the Apostles alone were present at its institution, they judged it meet that, until the catechumens had passed their probationary state, they should not be permitted to partake of, or even to witness, this holy rite. From the passage which we formerly quoted from Pliny it appeared, that in the earliest ages of the Church the Eucharist was not only a distinct service, but that it was in reality a supper,—a species of mysterious and holy *συστήρια*,—which took place at a different time from the ordinary service, and frequently also at a different place. In addition to the necessity for concealment, arising from the danger of persecution, a certain love for mystery was probably fostered in the minds of the early Christians by ideas derived from the Heathen and Jewish worship. With such inducements, it is not impossible to imagine that a service, probably very simple in itself, may, without material alteration, have been celebrated for a series of

ages *memoriter* by the priests, and that the responses may have been taught to the people, or, at least, to the chorus by whom they were led.

In such circumstances, however, it is manifestly impossible, that the slightest reliance can be placed on the identity of the service, as ultimately committed to writing, with any one which may originally have been used by the Apostles, and their successors. It may have remained tolerably unchanged, at least in its parts and order, but it may also have varied infinitely, and the probability seems to be in favour of its having done so, so long as the primitive idea of the Supper was retained, and the Eucharist had not yet become a formal service. There is also another explanation of this fact, which, though perhaps less palatable to the majority of ritualists than either of those which we have mentioned, has so much probability in its favour as to merit attention. If, as we contend, no positive written formularies were communicated to the Church by the Apostles, liturgies, during the first three centuries, must have been in process of formation, and as the *Lex non Scripta* precedes and forms the basis of the *Lex Scripta*, so was it with unwritten and written liturgies. But be the reason what it may, the fact of the three centuries of 'memoriterizing' remains; and in the minds of most reasonable persons, however it may be viewed, we believe it will form a sufficient hiatus to cut off the so-called primitive liturgies from all claim to Apostolic authority.

Mr. Palmer considers that all the liturgies of the Primitive Churches may be reduced to four. 1st. The great Oriental Liturgy, which prevailed from the Euphrates to the Hellespont, from the Hellespont to the Southern extremity of Greece; 2nd. The Alexandrian, which, from remote antiquity, has been the liturgy of Egypt, Abyssinia, and the country extending from the Mediterranean Sea towards the west; 3rd. The Roman, which prevailed throughout the whole of Italy, Sicily, and the Civil Diocese of Africa; 4th. The Gallican, which was used throughout Gaul and Spain, and probably in the Exarchate of Ephesus until the fourth century. These in the course of ages were endlessly varied and subdivided. Palmer treats of them under fourteen heads, and though he probably exhausts the 'origines,' he does not even mention anything approaching to the whole of the existing liturgies even of the unreformed, or so-called Catholic Churches. In an excellent Article, on Liturgies in the *Encyclopedia Metropolitana*, between fifty and sixty are enumerated, and even these, probably, do not include all the varieties which in the same churches often existed, and

still exist, for different religious orders; though there is reason to think that the prayers used before the Communion, and those which form the Communion Service, are frequently counted by the writer as two liturgies, (as in the case of the Roman Breviary and Missal) instead of being regarded as two distinct parts of the same service or liturgy. By Palmer again, the term Liturgy is restricted to the Communion Service alone, an application which seems to be consistent with the usage of the earliest writers, but which is a violation of the sense which, in subsequent ages, has come to belong to it, and has no etymological reason in its favour.

Even where the words of these early liturgies differ from each other, a certain identity is often to be traced in the order of their parts; the same rites and ceremonies follow each other in the same sequence, and are pervaded by similar sentiments. This is particularly remarkable in those liturgies which have a common origin, and furnishes to the ritualist the safest principle of classification. 'If we compare,' says Mr. Palmer, 'the liturgies of the patriarchates or exarchates of Antioch, Casarea, and Constantinople, as used in the fourth and fifth centuries, we find a substantial uniformity pervading them all. Those parts which are common to all, are found arranged in the same order in all. The principal rites are identical. They agree in their principal ideas. Everything, therefore, concurs to prove the original identity of all three. Nearly the same may be said of the liturgies of Rome, Milan, and Africa, and of those of Gaul and Spain. We have therefore the best reasons for affirming, that the Catholic Church, from the beginning, has always preserved an uniform order of liturgy.' In this conclusion we may possibly concur to the extent of admitting that, if there is any thing belonging to existing liturgies which can claim an Apostolic origin, it is the general idea which pervades them, though this idea, to a very considerable extent, is inseparable from the subject-matter, and may be found in the Westminster Directory, pretty nearly with the same distinctness as in the Liturgy of Antioch.

We are not writing a history of liturgies, and we must hasten from those of the early Churches, though the subject is so interesting, and the information furnished us by the writers whom we have mentioned, so copious, and in many respects so satisfactory, that we could willingly dwell upon it longer; but we do not feel warranted in multiplying facts, if those which we have already adduced be sufficient to warrant us in supposing that our readers may already have arrived at the con-

clusions which a larger perusal of them has forced upon ourselves. These are—

1. That there is not, and never was, one Catholic Liturgy.
2. That none of the Liturgies now existing can be traced back to the Apostolic age; but,
3. That there is every reason to believe that formal prayers of some sort have been used in the Christian Churches from the earliest times.

We should be simply wasting the patience of our readers if we did more than assert, that up to the period of the Reformation the use of formal prayers continued universal; but we shall mention a fact, perhaps not quite so generally known, when we add that, *without one single exception, they were adopted by the Reformed Churches, and that the Presbyterian Church of Scotland is the only National Church in Christendom in which they do not prevail at the present time.*

As the reformed liturgies, with the exception of that of the Church of England, are probably less known to most of our readers than those even of Antioch and Casarea, and as the means of becoming acquainted with them, for those who have not travelled, are less patent, we shall not hesitate to dwell upon this portion of our subject a little more in detail.

Both Luther and Calvin framed for the Churches which they founded, a form of public service: Luther's 'German Mass,' as he called it, was published in 1526; but under the date 1523, we find in his works a very remarkable treatise entitled, 'Of the 'Order of the Service in the Congregation,' in which his views, both of the service which he wished to abolish, and of that which he designed to introduce, are more fully embodied. The chief object of this opusculum seems to be, to bring prominently into view the importance of the reading and preaching of the word, and to reprobate the idea that a formal attendance upon ordinances, was an act by which grace or salvation was to be procured. In his instructions for the daily morning service, he is guided by what he supposes to have been the usage of Christians in Apostolic times, and it is remarkable enough, that he follows, almost exactly, the order which is supposed to have been that of the Jewish synagogue. He directs that after the reading and expounding of the Word, either by a scholar or a priest, the service shall be concluded with psalms and *responsoria*, and adds the wholesome injunction, that the whole shall be dispatched within the space of an hour. 'For we must not overload the souls of the people lest they become wearied and sated, as heretofore in convents and monasteries, where men have burthened themselves with ass's work.' This service was to

take place at 4 or 5 o'clock in the morning, and a similar one in the evening at 5 or 6, and if it was thought desirable there might be a third after dinner (which in Luther's time, probably was at mid-day) though this was not imperative. We thus see that Luther was no friend to that arrangement by which, in most Protestant countries, the Church stands desolate and deserted from Sunday to Sunday, as if on all other days of the week its objects had no more reference to the thoughts and actions of living men than those of a Greek temple or a druidical stone. In the true spirit of a Christian he believed neither in a sabbath nor a priesthood in the Levitical sense. Every day on which God's sun arose was a suitable occasion on which to praise him, and every man in whose heart a thought of gratitude sprang up was entitled to approach him with the offering. But this idea rejected neither the weekly commemoration, nor a standing ministry in the Church, and as Luther's views on the subject of what is commonly called 'sabbath-observance' have been often misrepresented, we shall take the liberty of rendering into English, as well as we may, the few vigorous sentences in which he has here embodied them.

In concluding his directions for the week-day service, he had mentioned expressly that it was intended rather for priests and scholars, and candidates for the ministry, than for the people generally; 'and let even these be warned,' he says, 'that they perform it not from compulsion or unwillingly, neither for any reward which they are to receive, either in time or eternity, but simply for God's honour and their neighbours' good.' 'But on Sundays such an assembly shall take place for the whole congregation, in addition to the daily meetings of the smaller body, and then, as has hitherto been the custom, Mass and Vespers shall be sung. On both occasions (*i. e.* at Mass or the Communion Service of the morning, and Vespers) a sermon or exposition shall be delivered to the whole congregation, in the morning from the usual Gospel for the day, and in the evening from the Epistle; or it may be left to the preacher, either to choose one other portion of Scripture, or two other portions, as may seem to him most expedient. If any one wishes to take the Sacrament, it shall be given to him, as may be found convenient with reference both to the time and the person. Daily masses shall by all means be put an end to, for the important matter is the Word, not the Mass. Still, if any one shall desire the Sacrament on another day than Sunday, Mass shall be celebrated as devotional feeling or the time may demand, for to these neither law nor limit can be set.'

In the introduction to the publication of 1526, which we have

already mentioned, and in which his more special instructions are contained, he dwells with particular earnestness on the necessity of its being distinctly understood that neither rules nor formulæ of his shall be considered as binding on other churches, or even on his own, beyond the time when they shall seem to be profitable and convenient. 'Also for God's sake, let all those who either see our service, or who follow the same, understand, that they are to make it into no necessary and inviolable law, neither to bind or constrain man's conscience therewith, but to use it in accordance with Christian freedom and their own pleasure, how, where, when, and so long as circumstances may seem to call for it, or render it suitable.' Again, a little further on he recurs to the subject: 'I do not wish that those who either possess a good form, or who by God's grace may be able to frame a better one, should yield to us; for *it is by no means my intention that the whole of Germany should comply with our Wittenberg order.*' From these passages we have no difficulty in gathering Luther's views on the subject of Formal Prayer. The possibility of dispensing with a liturgy altogether, he seems never to have contemplated, but at the same time, he most expressly repudiates the idea of any particular liturgy being more than a matter of convenience. He was no lover of violent or uncalled for innovation, and accordingly in his 'German Mass,' most of the offices of the Roman missal are retained, but they are retained simply as being convenient, decorous, and seemly, not as possessing any mysterious inherent virtue. The possibility of better forms of words being devised he distinctly recognises, but as matters stood, they were the best that he could find, and he adhered to them for the time being. After going through the various parts of the service, and dwelling particularly on the manner in which the musical portions of it were to be managed, lest any doubt as to his opinions should still remain, he repeats the sentiments with which he had begun, in this remarkable manner: '*Summa.* These and all other formulæ are so to be used, that if at any time an abuse shall arise out of them, they shall at once be abandoned and others substituted in their place, just as king Hezekiah broke the brazen serpents which God himself had commanded him to make, because the children of Israel misused them. For all order shall serve for the advancement of the faith and of love, and not to the prejudice of the faith. When this end is no longer accomplished, then is it already a dead letter, just as a good coin, when it has been forged, is given up and changed in consequence of the abuse; or when new shoes become old, they are thrown away, and others bought in their



‘stead. *Order is an external thing, and the best that ever was may be abused,* and then it is no longer order but disorder. Therefore no order has any value whatever in itself, like that which hitherto has been attributed to papistical ceremonies, but the life, worth, strength, and virtue of all ceremonies depends on the proper use of them.’

In accordance with Luther's views, all the Churches of Northern Europe which received the Reformation through him, drew up liturgies for themselves, some of them bearing a close resemblance to that of Wittenberg, others differing from it very widely; and from Luther's days to our own, they have continually been changed by these Churches whenever a change of circumstances or of opinions seemed to call for it. So late as the year 1822, on the union of the Lutheran and Calvinistic (commonly called the Reformed) Churches of Prussia, a new liturgy was published at Berlin, and it has since gone through various alterations in subsequent editions. It was never forced upon the clergy; and great freedom is still used in adapting it to circumstances. In the King's Chapel at Berlin, you will hear it performed without the omission of a word; whereas in a country church, possibly not above a couple of prayers are taken from it literally.

In Sweden, a revised edition of the old *Kirko-hand-bok*, which was drawn up at the Reformation, was published in 1811. It is divided into fifteen chapters, and contains all the usual parts of a Church Service, together with forms for Baptism, Marriage, &c. In Denmark, there is also a regularly constituted Liturgy, which besides morning and evening services for Sundays, contains three services for each of the three great festivals of Christmas, Easter, and Pentecost.

Nor did Calvin differ from Luther as to the propriety of formal prayer; for whatever we may think of the meagre and stunted services which he substituted for those sublime forms in which the devotional feelings of a thousand years had found expression, we must at all events regard it as a recognition of the principle. The ‘*sein responsoria*,’ which Luther so carefully preserved, were as carefully excluded by the less poetical Frenchman; and we cannot but think that with them not only was much of the ‘beauty of holiness’ banished from the sanctuary, but the people deprived of one of the most efficacious incitements towards participating with life and spirit in the services. Calvin's prayers were read from the pulpit by the clergyman alone, and were probably considered rather in the light of an aid furnished to him, than of a form of devotion for the use both of priests and people. There can be little doubt

that the freedom of adapting the service, which Luther entrusted to each particular Church, was carried by Calvin to the extent of leaving a considerable portion of it at the mercy of each individual pastor. Still there is no reason to suppose that extemporaneous prayer, as now practised by Presbyterians in this country, ever was contemplated by him. The portions of the service for which no form was given, were left to be supplied according to a directory in which their general scope was pointed out, and were probably intended to be arranged by the minister so as to meet the requirements of his flock, each congregation being thus placed as it were in the same position which Luther had assigned to a Church, the minister discharging with reference to the service the functions of the bishop. The service commenced with a General Confession, which seems to have been used in all the Calvinistic churches. We find it in the edition of the liturgy in the Church of Geneva, published in 1828, exactly in Calvin's words, and precisely as it was introduced into Scotland by Knox, in 1564; and it was so retained in the Puritan Prayer Book, the new Book of Scotland, in 1644, and in all the other modifications of Calvin's and Knox's liturgies. This Confession was followed by a psalm, and 'the minister again engages in prayer, in 'which he begs God to grant the gift of the Holy Spirit, in 'order that his Word may be faithfully expounded.' Then there is a sermon, at the conclusion of which 'he exhorts the people to 'pray, and begins thus;' and by way of starting him, we have a form of prayer greatly exceeding in length any of the prayers that are to be found in the older liturgies, and in which something like the beginnings of the Calvinistic propensity to 'much 'speaking' may already be perceived. After this follows the Apostles' Creed; and the service of an ordinary Sunday terminates with the Benediction. Two additional prayers are given for the days on which the Lord's Supper is dispensed,—one to be used before, the other after, the Communion; and there is also a very long prayer to be used on occasions of special meetings to deprecate God's wrath, when the calamities of war or pestilence seem to be impending. There is, besides, a form of administering the Sacraments. The Supper, as Calvin arranged it, was a very simple ceremony. Not only was the Popish idea of the Mass rejected, but the service itself was wholly abolished. There are no special prayers for this occasion, but there is a long exhortation, in which the significance of the rite, as Calvin understood it, is set forth. This ended, 'the ministers distribute 'the bread and cup to the people, having warned them to come 'forward with reverence and in order. Meanwhile some psalms

'are sung, or some passage of Scripture read suitable to what is signified by the Sacrament.' \*

The forms of Baptism and Marriage, though rather long, particularly the Exhortations, are extremely simple: such as they are, however, they are regularly constituted forms, which the minister was not at liberty to vary; and in these services, above all, the very object of which is to impose obligations, it is strange that it should ever have been otherwise in any Church. Whatever we may think of the general question of formularies, it is surely an anomaly of the grossest kind, when a Church furnishes to those who are about to take upon them the vows either of parents or spouses, no means of previously ascertaining the precise form and manner in which these vows are to be imposed. Every one knows how important the variation of a single word often becomes in controversy. Suppose, then, that a man, when actually engaged in the ceremony, should differ from the views propounded by the officiating minister as to the efficacy, we shall say, of Infant Baptism — what is to be done? Is the service to be delayed until his scruples shall have been removed extra-ecclesiastically, or is he to throw down his little

\* The beautiful primitive custom of *sitting* around the table, was not of Calvin's institution, and is not now practised in the Church of Geneva. Whether Knox had the merit of first restoring it we cannot tell, but it is certain that he introduced it into Scotland. In his 'Order and Manner of the Administration of the Lord's Supper,' he says, 'the exhortation ended, the minister cometh down from the pulpit, *and sitteth at the table*, every man and woman likewise taking their place as occasion best serveth,' and at the conclusion, 'they rise from the table, and depart.' One of the chief reasons of Knox's refusing the preferment which was offered him in England so early as the year 1553, was his objection to the practice of kneeling at the Communion. When he was called before the Privy Council, 'he was asked, If kneeling at the Lord's Table was not indifferent? He replied that Christ's action on that occasion was most perfect, and in it no such posture was used; that it was most safe to follow his example, and that kneeling was an addition and invention of men.' As regards gesture in prayer, a theological friend has furnished us with arguments which seem to us conclusive in favour of the antiquity of the Presbyterian custom of standing on the Lord's day, at all events. In addition to the consideration that such was, (the Pharisees being witnesses) and still is, the Jewish attitude, the following passages from the Fathers may be referred to: Justin Martyr, Apol. II.; Basil, De Spir. Sanct. c. 27.; Tertullian, De Coronâ Mil. chap. 3.; and for the benefit of our Episcopalian friends, we may add the Council of Nice, A.D. 325, which prohibited an incipient practice in some churches of kneeling at public prayer on the Lord's day.

one on the pavement, and seizing his Bible, to dispatch a messenger in all haste for the Westminster Directory, and then and there equip himself for a theological encounter? In the marriage ceremony the case is the same. The utmost precaution on the part of a bridegroom will not exclude the possibility that a stumblingblock may be placed in his way by the minister before whom he is standing with his bride on his arm. It is possible that the practical inconvenience arising from this state of matters is not very great, since few men will encounter the trouble which dissent would entail on them in such circumstances. They prefer silently to put their own construction on the ceremony; but the absurdity of the principle is manifest.

The liturgy now used at Geneva is a development of that which Calvin left. The principle upon which he proceeded has been adhered to; there are still no responses, but several prayers have been added, and a distinct service is given for each day in the week, and also for each of the principal festivals which, in opposition to the practice of Scotch Presbyterians, are retained, as also for New Year's Day, for the anniversary of the Restoration of the Republic in 1813, &c.

Nor was it in Calvin's own Church of Geneva alone that a form of prayer was adopted. The Churches of Holland, Neuchâtel, and the reformed Churches in France, had all of them liturgies, similar, but usually not identical, with that of Geneva. The old French Liturgy, published in 1562, contains, besides forms of ecclesiastical prayers, a mode of administering the Sacraments and Visitation of the Sick; but the want of various additional formularies having been felt after the restoration of the Bourbons, a new edition was published in 1826, with services adapted to extraordinary occasions. The service, as we have heard it performed in some of the churches on the Loire, so much resembles that of Geneva, that, though tolerably familiar with the latter, our first impression was that they were identical. From what we have said, it will be manifest that the aim of Calvin and of those who followed him, was rather to obtain the negative than the positive advantages of a liturgy. They avoided the dangers of extempore prayer—they provided against what Archbishop Laud calls 'a public abortion in the Church,' but they did little to call forth the active participation of the people in the devotions of the sanctuary.

Having thus indicated the manner in which the question of formal prayer was solved by the Reformed Churches on the Continent, after the Reformation, and their practice now, let us turn for a moment to our own country. The Liturgy of the

Church of England,—notwithstanding some faults, perhaps the most perfect of existing liturgies—is so well known to our readers, both in its practice and its history, as to render it altogether superfluous that we should say any thing regarding it: and the object of our Article, happily, does not impose upon us the necessity of entering on the vexed question of the merits or demerits of that of the Scotch Episcopal Church. We hasten to a subject which has been much less investigated than either; and from the neglect of which, if we mistake not, has arisen no little indifference to religious observances on the part of the higher classes, and not a few of those shadows which, in spite of its depth and earnestness, have clouded the devotional spirit of our humbler countrymen for the last two centuries—we refer to the Institutions of Knox, and the opinions which prevailed during the period of the elder presbytery, on the subject of ritual worship.

Notwithstanding Knox's lengthened residence in England, and his employment by the English Church, there is reason to think that he never heartily approved of the English Liturgy. Whilst he held the office of one of the chaplains in ordinary to King Edward VI., he was consulted about the revision of the Book of Common Prayer; and he plumed himself afterwards not a little on the circumstance that he had influence enough to procure an important change in the Communion Office, whereby common bread was substituted for the 'round clipped' god, wherein standeth all the holiness of the Papists.'

It was at his instance, also, that a rubric was introduced, declaring, that though the posture of kneeling was retained to signify our humble and grateful acknowledgment of the benefits of Christ, yet "no adoration is intended or ought to be done, 'either to the sacramental bread and wine there bodily received, 'or to any corporal presence of Christ's natural flesh and blood; 'for the bread and wine retained their natural substances, and 'Christ's natural body was in Heaven, and could not be in 'more places than one at the same time.' Still he was not satisfied. So long as the custom of kneeling was retained, he feared that the old idea of the sacrifice might again creep in, and he objected to the Litany, to the cross in baptism, to the dresses of the priests, (and still more, probably, to the idea of a priesthood,) on grounds which, whatever might be their absolute value, were unquestionably both sound and weighty with reference to the time and the circumstances in which he lived. As it is known that during the reign of Edward VI. and the first years of Elizabeth, absolute conformity to the Liturgy was not pressed upon the clergy, it is probable that Knox, during

his residence in England, did not administer it in its integrity, but that he used it with a license more in conformity with the ideas of the Continental Churches, which were then prevalent in England, than with those which have since been held by the English Church. That he did use it, however, after some fashion, and this without feeling that in so doing he violated his conscience, is just as certain as that he carried with him, when he subsequently went to Geneva, views which prepared him for the reception of a much simpler form of worship. During his first residence at Geneva, Knox exercised no ecclesiastical function, and it was not till he received a 'call' to minister to the English exiles in Frankfort that his opinions on this subject were exhibited in practice, though from the personal intimacy which had sprung up between him and Calvin it may readily be supposed that they inclined to those of the Genevan Church. At Frankfort the English exiles had obtained from the magistrates of the town, as is still very common with English congregations abroad, a right to the joint use of the French Protestant Church; but to this privilege the condition had been annexed, that the service should be conducted as nearly as possible according to the French form, which had already been translated into English. To this arrangement the Frankfort brethren were perfectly willing to agree; but, having written to some of the other congregations on the Continent, requesting them to join them, they received from a little knot of resolute Britons who had established themselves at Zurich, a letter, in which they signified that they would not come to Frankfort on any other condition than that the Church should 'use the same order of service which was in England set forth by King Edward, for they were fully determined to admit 'and use no other.' The congregation at Strasburg concurred with that at Zurich in declining to repair to Frankfort on any other condition; and they contrived between them so effectually to sow the seeds of animosity in the Frankfort congregation, that when Knox arrived he found the future controversies between Conformists and Nonconformists already anticipated in miniature. Knox, it would seem, was at first by no means averse to compromise matters, by adopting a considerable portion, at all events, of the Book of Common Prayer; for he joined with some other members of the congregation in drawing up a summary of it, and, having translated it into Latin, transmitted it to Calvin for his opinion and advice. It would occupy too much of our space to detail the subsequent proceedings which, on the arrival of a fresh detachment of English exiles, ended in Knox's expulsion from the Church. In the meantime, however,

a second attempt at compromise had been made by the compilation of the service, which was afterwards called 'the Order of Geneva,' and is now known to us as 'Knox's Liturgy.' It was drawn up by Knox, Whittingham, Fox, Gilby, and Cole, after the model, as we shall presently see, of Calvin's Genevan Service. It does not appear ever to have been used at Frankfort, and the first occasion on which it came into actual use was on Knox's return from Scotland to Geneva in 1557, on the call of the English congregation there, and hence the name by which it continued to be known. It commences with the Confession, of which we have already spoken, and this is followed by three other forms of confession, to be used on different occasions. 'This done, *i. e.* one or other of these Confessions being read, 'the minister readeth from the Holy Scriptures; the people 'then sing a psalm altogether in a plain tune; which ended, the 'minister prayeth for the assistance of God's Holy Spirit, *as the 'same shall move his heart*, and so proceedeth to the sermon, using 'after the sermon this prayer following, *or such like.*' After this prayer—'for the whole estate of Christ's Church,' which is a long one, the people again sing a psalm, and the minister pronounceth one of two blessings which are given, 'and so the congregation departeth.' Such is the whole order for an ordinary Sunday; and, unless immoderately swelled out by *extempore* prayer,—the admission of which, it will be presumed, is distinctly recognised,—its brevity, at least, would have satisfied even Luther's requirement. After these follow a number of miscellaneous prayers, some taken from the Genevese Service, and intended to vary the ordinary Sunday Prayers, others for special occasions, and then there is the Order of Baptism, the Lord's Supper, Marriage, and the Visitation of the Sick. In the forms of Baptism and Marriage no license is given to the minister to vary the ceremony, so that the awkward possibilities which we formerly pointed out were avoided by our more cautious ancestors. There is also a 'form of the Election of the Superintendent, which may serve in the electing of all other ministers;' and a terrible 'Order of Excommunication,' in which murderers, adulterers, sorcerers, witches, conjurers, charmers, and givers of drinks to destroy children, are 'given over into the hands and 'power of the devil, to the destruction of their flesh.' The book contains also a very curious 'Treatise of Fasting,' in which the distinction between the views of the Reformers and their opponents on this subject are pointed out with great care, and which is followed by a form for the celebration of a public fast. Lastly, there is a form of prayer to be used in private houses, and a grace before and after meat.'

Such is 'the Order of Geneva,' which, after slumbering for two centuries and a half on the shelves of literary antiquaries\*, was reprinted eleven years ago by Dr. Cumming of the Scotch Church in London, with a very sensible, though not a very 'thorough' preface. It was first enjoined to be used in 1564, and it is a remarkable fact, as showing the liberality of the early Presbyterians on the subject of ritual prayer, that for seven years previously the English Book of Common Prayer had been used, not only without objection, but in consequence of an ordinance issued by the heads of the congregation themselves. As Knox had returned to Geneva in the previous year, it is doubtful if the adoption of the Common Prayer in 1557 received his sanction; but there is every reason to suppose that on his return he used it for the five years which elapsed between 1559 and 1564 without scruple, though probably with the latitude which had been allowed him in England in King Edward's time. The Order of Geneva continued to be used during the remainder of the lifetime of the great Reformer; so long as the 'major imago' of Knox overshadowed the Scottish tabernacle it was heard within its walls, and the eight years which elapsed from its introduction in 1564 till his death in 1572 may well be regarded as the most glorious epoch in the history of Presbytery. To Presbyterians it was a second Apostolic age. The spirit of blind and intemperate opposition, to which too many of our existing institutions owe their origin, had not yet taken possession of the minds of the people, and the rulers of the Church were men whose wisdom and learning called forth the respect not of their own country only, but of the whole of Protestant Europe. We entirely concur with Dr. Cumming, that 'it is a melancholy fact, that too many of the Church-people of Scotland direct their minds to the days preceding and during the Covenant for the true character and sentiments of their Church. Nothing can be more partial or unfortunate. Our Reformers, and the Church of the Reformation, not the Covenanters, are our best models; and I do not despair of seeing the time when the sad, though in their issue salutary, days of the Covenant will be less regarded as the meridian glory of the Scottish Church.' With regard to a certain section of the community, and that by no means an unimportant one as indicating the probable direction

---

\* We do not pretend to fix upon the precise period at which the order of Geneva ceased to be used in Scotland. It probably was used occasionally by such ministers as approved of it; long after the time of Knox; and so late as 1644 an attempt was made to restore it by the publication of what was called, 'The New Book of Scotland.'



of future opinion (we refer to the younger portion of the educated laity), this prediction, we have reason to think, has already received a partial fulfilment. It is to the triumphant days of the elder Presbytery, not to the gloomy struggles of the Covenant, that the eyes of the generation now rising into influence are directed, when they seek for the true idea of their Church, and the models of her institutions. Men are beginning to perceive, that the heroic life of John Knox, the Christian Reformer, if not a more heart-stirring, is at any rate a more fruitful subject of contemplation than the heroic death of John Brown, the Christian Carrier; and that the quiet studies of Geneva, and the converse of scholars, were more likely to be productive of sound ideas and wise institutions than the most devoted conflict with Claverhouse's dragoons on a hill-side. The morbid terror for every thing approaching to form, which grew partly out of the unjustifiable efforts of Laud and his master to force a justly obnoxious liturgy on a free people, and still more, perhaps, from their subsequent contact with English Independents, is beginning to give way, in the minds of many Presbyterians, to the consideration, that in the earlier and better days of their Church no such irrational prejudices clouded the views of their equally pious and more learned forefathers. Dr. Cumming's protest against extemporaneous prayer is the first, and, so far as we know, the only open one on the part of a divine:—‘There is a mediocrity,’ he says, ‘among clergy as among laity. For the great mass, therefore, I believe that the partial use of a form of prayer would be truly valuable:’ and again,—‘I believe that the resumption, if the word may be used, of that which is not rescinded, viz., the Liturgy I now edit, by the Church of Scotland, and by authority of the Ecclesiastical Courts, would be attended with great good. It could by no possibility do mischief. Even if it should not find its way to the approval and adoption of those who are more prominent in character, and powerful in influence, in the General Assembly of the Scottish Church, it may be of great service as a model of spiritual, scriptural, and truly solemn Church service to every clergyman.’ So much for the divine. Let us hear what the Duke of Argyll, whom, without much fear of contradiction, we may single out as an influential member of the junior laity of Scotland, says on the same subject. He is discussing the causes of the rapid strides which Episcopacy has recently made in Scotland:—

‘Among the numerous families of Scotland, who, since the Revolution, but more frequently in later times, have left the communion of Presbytery, and joined that of the English

‘ Church, very few have been induced to do so by any previous  
 ‘ conversion to Church principles. Some have, doubtless, been  
 ‘ influenced by the fancy of belonging to a more fashionable  
 ‘ religious body; and many more by the associations of English  
 ‘ academical education. Some, too, have latterly been estranged,  
 ‘ not unnaturally, by those extravagant forms of expression  
 ‘ which have descended from the times of Melville and Hen-  
 ‘ derson; forms which may justly be condemned as fanatic, even  
 ‘ when used in the service of the paramount interests which were  
 ‘ at stake in their days; but which bear this character still more  
 ‘ glaringly on their front, when repeated in our time. But the  
 ‘ deeper source of the extensive alienation which has taken  
 ‘ place, is to be found in the superior attractions of a more  
 ‘ ritual worship, in the weakness of a predominantly dogmatic  
 ‘ and informal system, to keep up permanent attachment, in  
 ‘ times of religious peace, — as well as in some more positive  
 ‘ objections to which such a system is exposed. For example,  
 ‘ a partial use of liturgical forms of prayer, to which the  
 ‘ first Scottish reformers had no objection, and which the legis-  
 ‘ lative institutions of Presbytery entitle it to adopt at any  
 ‘ moment, would alone, I think, have been of immense value in  
 ‘ engaging the affections, and preventing the straying of its  
 ‘ members. For, certainly, there is no more just exception  
 ‘ against the worship of Scottish Presbytery, than its effect in  
 ‘ placing the most devotional part of divine service so entirely  
 ‘ at the mercy of the individual minister who happens to con-  
 ‘ duct it.’

We are persuaded that the Duke has here touched the really weak point in the Presbyterian Church, and that he has pointed out the true cause of the apparent growth of Episcopacy in Scotland. We cannot believe that any large number, even of such semi-rational beings as make up the mass of mankind, are so supremely and contemptibly silly, as to permit these notions of fashion and ‘gentility’ to influence their choice of a religious community, and the number of Scotchmen who receive an English academical education, though considerable, is small in proportion to those who ostensibly belong to the Anglican or Scoto-Episcopal Church. We are very certain also that few Scotchmen hold even modified Episcopal views as to the nature, either of ‘the Church,’ or ‘the Priesthood.’ It is scarcely possible that a man who has once got hold of the far wider, more Christian, and more philosophical views of Calvinists on these subjects, could ever return to traditionary dogmas. Still, Scotchmen innumerable hold sittings in Episcopal chapels, and are eagerly counted by the clergy as sons of the true Church;

and the real reason we do believe is that assigned by the Duke of Argyll, and which they themselves usually assign, viz. that they greatly prefer the English Church Service to extemporaneous prayer. From this state of matters, as it seems to us, a three-fold evil arises. First, a large body of persons, for the most part of the highest class as regards both station and intelligence, is withdrawn from a National Church, from the doctrinal tenets of which they do not seriously differ; they are added to an alien and anti-National Church, with which they are at issue on doctrines so fundamental, as to prevent them from ever heartily joining its ranks; and lastly, in so far as they are themselves concerned, they are deprived of the benefits arising from an intimate union or living sympathy with either. The Church of Scotland is weakened by their withdrawal, the Church of England is not strengthened by their accession, and they themselves are left without a Church. The transaction is one by which all parties are losers. Now it is clear that the Church from which they differ only on formal grounds is that to which they ought to belong; and this, in far the majority of cases, we are bold to affirm, is the Church of their fathers, the Church of Knox and Melville, their own National Church of Scotland. Perhaps it may be said that they were wrong to quit her pale on grounds so superficial; but the question arises on the other hand, was she justified in placing even formal objections in their way? Was it wise to alienate them, or is it prudent to keep them estranged, on such grounds? If liturgies be, at the lowest, things indifferent, still more if they be, as we have attempted to show, rather recommended than forbidden in Holy Writ, if they have been universally received in every Christian Church, both reformed and unreformed,—if in this very Church of Scotland, in her best and purest days, in the lifetime of her great apostle himself, a liturgy existed,—and if in such circumstances a large body of her members, (or of those who would have been her members) call for a liturgy, is it wise, or prudent, or right, to withhold it? But then comes the practical difficulty, which to many seems insuperable, that, admitting that many persons hold the opinions we have stated, it is no less certain that a very large portion, perhaps a very large majority, of Presbyterians, hold others diametrically opposed to them.

By way of meeting the views of both parties, Dr. Cumming, and the Duke of Argyll, propose that the service should be partly ritual, partly extempore. To this proposal we foresee that whilst the risk of offending rigid Presbyterians is by no means avoided, it will be objected, and not altogether without reason, on the part of ritualists, that, the moment a license is

given for extempore praying, all the dangers springing out of the incapacity, extravagance, vanity, and vulgarity of the individual minister at once come into play; and we think it not improbable that many of those who have been deterred from the Presbyterian worship by the exhibition of such peculiarities would still prefer the service of the Episcopal Church. Still we can see no better solution of the difficulty than a modification of this proposal. Suppose that the service of an ordinary Sunday commenced with the Liturgy, and that the option were left to the minister of using, after the sermon, a formula which should be offered him, as is now the practice in many of the Protestant churches of Germany, or of concluding the service with an extemporaneous prayer. The feelings, both of pastor, and people, we may presume, are warmed by the spirit of devotion which has pervaded the services in which they have already engaged, and, such being the case, few of the objections usually urged against extempore prayer would attach to it, if introduced to a moderate extent, and according to a directory, in this part of the service. The ritual portion of the service need not be taken so strictly as not to admit of a certain modification by the clergyman, and should the constant repetition of the same prayers be thought objectionable, there is no reason why he should not be furnished with a series, say of four or even eight forms, so that their recurrence need not be oftener than every fourth or eighth Sunday. As regards the responses, on the other hand, in order to secure the active participation of the people, we think it highly important that they should be invariable.

Another mode of extrication, but surrounded if possible with greater difficulties, presents itself; viz., that the service should be different in different churches. Now if this diversity were made a matter of rule, we can understand how a breach in the body,—what Puseyites call ‘a rending of Christ’s garment,’—would be the immediate consequence; but we do not see that practically it might not come to be the custom that in some churches the service should be more ritual, in others less so, according to the wishes and feelings of the congregations. If the principle of ritual prayer were once recognised, there might be in every large town one or two churches, in which it was more closely adhered to than was general in the Church, in which there should be singing in parts by a well-organised choir, an organ, if such were deemed expedient, and, in short, the ordinary appliances and means towards a well-regulated divine service, whilst, at the same time, the Liturgy was treated with such freedom as to prevent any approach to that wor-

shipping of forms to which Presbyterians so justly object in Episcopal churches. By some such means, we cannot but think that many might be conciliated, and led back to the fold of Presbytery, whose quarrel is not with her tenets nor with her government, but with the uncertainty and bareness of her service.

We are quite aware that any such proposal as this, if made at once in the General Assembly, even by the most popular and influential divine, would probably bring down upon him a torrent of abuse, to which no prudent man would be willing to expose either himself or his cause, and that he could not safely calculate on the support even of those whose real opinions were entirely in accordance with his own. The pear is not ripe, but we believe it is ripening \*; and if what we have here said should have the effect of in any degree familiarising men's minds in Scotland with the fact, that a judicious use of formal prayer is not only consistent with the purest teaching of Christian doctrine, but with the universal usage of the Reformed Churches in their purest days, we hope we shall have done something towards paving the way for a change which we conscientiously believe would increase the efficiency of our National Church. Of the opinions of individuals, so long as these opinions are not publicly expressed, we are not entitled publicly to speak; but thus much we may say, that we have good grounds for thinking that the views which we have propounded are neither new nor strange to many of the more liberal, and to some of the most influential ministers of the Church of Scotland. Dr. Cumming fired no random shot when he said, in speaking of the combination of formal and extempore prayer in Knox's Liturgy, 'This arrangement would have conciliated the great bulk of the Scottish clergy in the seventeenth century, and, I believe, *would be generally acceptable in the nineteenth.*' If the clergy and people of Scotland could once be satisfied, (and we see no reason why they should not) that formal prayer would never be allowed to transgress the limits which Coleridge has assigned to ceremonies generally, viz. of 'pure glass to see heaven through, not dyed in the gorgeous crimsons and purple blues and greens,

\* A step was taken in this direction, three years ago, when the General Assembly appointed a Committee to prepare a Book of Devotion, with a series of Scriptural lessons, for the use of our colonists who have no minister-within reach, — people at sea, and others similarly precluded from public worship. The publication of such a set of devotional forms *by the authority of the Church*, would be a great stride towards a Prayer Book for use in churches.

‘ of the drapery of saints and saintesses,’ then we believe it might be re-introduced with an universality of consent that would silence the tongue of Jenny Geddes herself.

ART. VII.—*Mémoires et Correspondance de Mallet du Pan, pour servir à l'histoire de la Révolution Française.* Recueillis et mis en ordre par A. SAYOUS. 2 vols. 8vo. Paris: 1851.

ACCORDING to the Tuscan chroniclers of the middle ages, a street quarrel in the little city of Pistoia engendered two factions, whose animosity soon involved the whole population of that important place, both noble and plebeian. One party expelled the other. The exiles dispersed themselves in the neighbouring cities; half Tuscany espoused the cause of the Whites, half that of the Blacks. From Tuscany the feud spread over the rest of Italy, becoming incorporated in the greater contest between Guelfs and Ghibellines; and the party names and banners of an insignificant provincial dispute were adopted in the mighty struggle between the Sceptre and the Crosier, between civil order and theocratic anarchy.

Something of the same kind recurred in European history, when the republic of Geneva accomplished a little cycle of its habitual revolutions between 1760 and 1782. Ever since the time of Calvin it has been the destiny of that city to act, indirectly, a part in the affairs of Europe, not only out of all proportion to its statistical importance, but far beyond what the mere intelligence and energy of its citizens, great as they are, would seem entitled to ensure it. Such was the case in the age of religious discord:—

‘ What though their native kennel be but small,  
Bounded betwixt a puddle and a wall,  
Yet their victorious colonies are sent  
Where the North Ocean girds the continent ;’—

and once more, in the age of civil controversies, the quarrels of Geneva contrived to embrace Europe. Voltaire alternately irritated and affected to moderate them: Rousseau set forth their polemics in pamphlets, destined to become the political manuals of the regenerators of the world. Their successive bands of *fuorusciti*, political exiles from home or adventurers in search of political fortune abroad, were doomed to appear in many a part on greater stages. Necker and his daughter, Clavière, Dumont, and many more, took part in the French Revolution: Delolme enlightened England by expounding the conventional theory of

her constitution for the first time in a readable shape; while his neighbour Marat of Neuchâtel was trying his 'prentice hand' in the Wilkite controversy. Gallatin achieved the fame of a statesman in America; Divernois pressed political economy and statistics into Pitt's service, and irrefragably demonstrated the overthrow of French revolutionary government by financial exhaustion,—a demonstration which it has been the fashion to repeat on every successive crisis; and Mallet du Pan brought to the cause of Royalism a disposition predisposed to reactionary views, as well as an intellect sharpened to uncommon acuteness in political matters, by the struggles between 'negatives' and 'representatives,' 'bourgeois' and 'natifs,' in which his youth had been involved, and in which, like most ardent politicians, he had originally taken the democratic side.

The fate of this eminent 'publicist,' whose name was once widely known both by the report of friends and enemies, has been no uncommon one. Endowed with striking powers of appreciating men and events, with much eloquence and a popular style, he had many of the qualities of a great political writer; and his opportunities of acquiring the necessary knowledge were singularly favourable. But he was a journalist, by necessity as well as choice. He had to earn the bread of the day by working the political vein of the day. The truths which he wished to teach were to be enforced by endless repetition, by argument and illustration of a temporary character; by statements of fact often hazarded on imperfect evidence, and liable to be modified by the next day's information. And when he came to systematise his thoughts in works of greater length, as in the '*Considérations sur la Révolution*,' which form his chief title to literary fame, it may be said with truth, energetic as that performance unquestionably is, that the thoughts of the practised journalist did not gain by being thus served up second-hand in the shape of a pamphlet, almost as temporary in its interest, and yet less stamped with the fervid impress of strictly contemporary writing.

Moreover, he had the disadvantage of being all his life on the unpopular side; a disadvantage which none can estimate but those who have struggled manfully in the same obscure and unprofitable game. He set himself at work to write down the Revolution, long before the hopeful, the ardent, and the popularity-seeking classes had left off crying it up. Men could not bear to see their illusions dispelled, one by one; their boasted principles exposed as hollow forms; their party favourites detected, and exposed to general contempt. The peculiarly painful character of such writing is, that it inflicts a constant wound on the personal

vanity of the reader; who is conscious of having staked his own self-complacency, perhaps his little private share of reputation for judgment, on the success of that which has failed, the truth of that which has been demonstrated untrue. Prophets of evil, in revolutionary times, are not more popular now than they were in Troy or Samaria: and, hard as the doom may seem, their unpopularity rather increases than diminishes with the accomplishment of their predictions.

And it was the peculiar fate of Mallet to undergo twice over this peculiar discipline of adverse fortune. He had to undertake again, to the banished Royalists of France and the leaders and statesmen of the European coalition, the duties of an unwelcome monitor, after having performed them to the Parisian public. His far-sightedness was again to shame the blind enthusiasm of those he addressed. He had to point out the hollowness of their hopes, the mistaken bases of their estimates, the weakness of their political and military combinations, the inveterate ignorance under which they laboured of the instincts and sentiments of the great mass of the people everywhere, but in France especially—an ignorance almost as characteristic of professed politicians in 1852 as it was in 1792. Undoubtedly the monotony of this strain of thought—the tone of disappointment, also, incident to a life of failures and personal privations—in some degree affected the value, as well as the success, of his judgments. He could not prophesy good, for he saw it nowhere. He had no belief in any material or moral progress going on under those external fluctuations of the tempest on which his experienced eye was fixed. He saw no signs of salvation in any quarter, and did not even calculate on the breaking down under its own weight of the enormous power against which he strove; and died a sceptic as to the resurrection, not of France only, but of Europe.

Mallet du Pan sank, therefore, not unnaturally, into the category of the many obscure writers of the first Revolution: writers of whom numbers would have achieved a high place in times of less redundant political intelligence. For although the general character of newspaper writing may have improved since then, no one can read these pages and deny that the best journalists of that age were as fully equal to those of our own in high political intelligence, as the forgotten periodicals of Camille Desmoulins, Peltier, and others, show them to have been equal in point of wit and pungency.

But for public writers of this order there is sometimes a second period of posthumous life; when the generation in which they laboured is at rest, and a new one in the field, to repeat



the deeds and experience anew the passions of its fathers. For then, if any literary accident happens to bring them again to the light, their voices come to us like warnings from the dead, the sentence of judges whose impartiality cannot be questioned. The sentiments and very expressions of Mallet, formed on the circumstances of his times, are often applicable, with startling accuracy, to our own. What was temporary in his judgments has passed away: the permanent remains. *Manet liber, homines præterierunt.* He reappears in these Memoirs almost as a visitor from a strange country, the 'Espion' of the last century commenting on our affairs, on the errors which lead us astray, the subtle motives which direct us, and the principles which govern the march of society through the yet unthreaded maze of revolution. It is no doubt owing to this characteristic, as well as the authentic disclosures which they contain respecting one or two important points in history, that these Memoirs have excited so much interest in France, where, notwithstanding the infinitely smaller importance of the principal personage, they have almost divided public attention with the correspondence of Mirabeau and Lamarek; and they are already, we observe, translated for English readers.

Mallet du Pan was the son of a *pasteur* in one of the country villages appertaining to Geneva; his mother, the daughter of a Syndic, belonging to one of the families from which the magistracy was commonly recruited. He was born in 1749. His *début* in political life was by a pamphlet (1771), containing a smart attack on the aristocracy and *bourgeoisie* on behalf of the 'natifs,' the third, or Radical party of the day, who were *just* then hard pressed by the united force of their antagonists under a temporary coalition. This production brought him into familiarity with Voltaire, who took so mischievous a part in the contentions of the little Republic, his noisy neighbour. He recommended the young Genevese for a professorship at Hesse Cassel. This project did not answer, and Mallet returned to his native city, married in 1773, and devoted himself to a literary life. In 1775 he fell in with the erratic journalist Linguet, a well-known name in its day, now forgotten, and belonging to as restless and paradoxical a brain as was ever arrested in the middle of its workings by the blow of the guilotine. He took part with Linguet in some of his quarrels, became his assistant in his journal, the 'Annales Politiques et Littéraires,' which was alternately published at London, Brussels, Geneva, and Paris, as its editor made each place in turn too hot to hold him. When Linguet was sent to the Bastille in 1779, Mallet continued the 'Annales' at Geneva, in

a new series; and it was while looking about for correspondents on English politics that he made the acquaintance of his countryman by descent, Samuel Romilly, which ended in an established friendship. The connexion between Mallet and Linguet broke off in 1783, when the latter left the Bastille, and reclaimed, with no small acerbity towards his lieutenant, the proprietorship and title of his newspaper. Mallet then started (March, 1783) his own '*Mémoires Historiques, Politiques, et Littéraires sur l'état présent de l'Europe,*' with the characteristic motto, '*Nec temerè, nec timidè.*'

In fact, Mallet had already acquired from his experience of Genevese political life, and from association with the caustic Linguet, that bent towards distrust of innovation, and opposition to hasty generalisations, which characterised through life his steady and unbending temperament. In the maddest of all political decenniums (1780, 1790), he clung with tenacity to those opinions which in such eras are commonly called '*obstrusive,*' and applied himself doggedly to the task of disabusing the age of its gay delusions, throwing cold water on its hopes, and exposing the fallacies of its favourite prophets. He expressed his distrust of the American experiment even at the moment of its triumph, and his confidence in the unimpaired resources of England: he had little respect for the reforms of Joseph, or the tolerance of the Encyclopedists; and no belief whatever in the '*gospel of Rousseau.*' His journal was full of shrewd common sense on all these subjects, and no doubt his scepticism, like most scepticism, has been in general justified by the event: but the world went on in its career of change notwithstanding: and those who partake in an unusual impulse, but see its extravagance, and do their best to moderate and turn it into the best directions, are assuredly happier in their vocation, and perhaps at the bottom wiser, notwithstanding the many errors into which they must fall on their road, than those who simply oppose it. In one respect, however, the '*Annales*' had singularly improved under Mallet's superintendence. There was a point of honour as to veracity, as well as a spirit of justice and resolution in judging of men, which never forsook him in all his diversified career. For example, when he was called on by many of his readers to follow the line of his predecessor Linguet, and hold up to execration the memory of Voltaire, he not only refused, but replied by one of the most just and acute appreciations of the good as well as the evil qualities of the deceased philosopher which can be found in the controversial literature of that day (*Mémoires*, vol. i. ch. 2.). Mallet's theory respecting Voltaire always was, that in his later

days he was rather the instrument of the Encyclopedists than their master.

In 1782, the long dissensions of Geneva came to the ordinary end of such troubles in small States. The temporary triumph of the ultra-popular party roused the apprehensions of its neighbours; and was followed by the entry of a body of Sardinian troops (under a Count della Marmora, an ominous name in the annals of civic liberalism) co-operating with the French and Swiss in an 'amicable intervention.' There had been, as usual in such cases, much talk of Saguntum and Numantia in democratic circles both in and out of Geneva; and much indignation was bestowed on the magistrates who surrendered the little ramparts to the forces of three military States, and on the 'publicists' who maintained the necessity of such base submission. Mallet du Pan had his share of these reproaches; but on him they fell comparatively harmless, as he had always predicted the end of the democratic regeneration of Geneva. 'Vingt nations heureuses,' he said, 'ont reçu des chaînes en cherchant un gouvernement parfait, et pas une seule ne l'a trouvé.' Nevertheless, his old-fashioned patriotism recoiled alike from military occupation, and from the violence of the beaten party and their foreign associates. Notwithstanding the little conformity of his sentiments with the popular tone, he had attained an established reputation as a public writer. His journal was translated at Florence, and pirated at Brussels and in Switzerland. He now accepted an engagement with Panckoucke, the eminent Paris bookseller, to conduct the political division of the '*Mercur de France*': and established himself accordingly at Paris in 1784. His salary was to be 7200 livres a year as chief political writer, and 1200 in addition for occasional contributions to the literary part of the journal.

It is obvious how often the unavoidable conditions of the editorship of a government newspaper must have clashed with the self-relying and independent tone of Mallet's character. A remarkable occasion soon put his courage to the proof. In 1787, the French foreign department was encouraging, for its own purposes, the democratic party in Holland. Mallet absolutely refused to insert in the '*Moniteur*' some of the official fictions which arrived from 'our correspondent at the Hague.' He wrote boldly to De Montmorin, the foreign minister, to justify his non-compliance: and Montmorin, a man of good intentions and yielding character, submitted to the refusal. This minister treated Mallet with confidence and friendship: and defended him at a later time from an attempt which was made to oust him from the '*Mercur*' as an '*Anglomane*,' and place it in the

hands of Mirabeau. He seems to have acquired, not only respect, but even liberty, in the conduct of a government newspaper, by downright resolution not to be dictated to.

'I lived six years' (he says in 1790, defending himself from imputations of subserviency,) 'under the old Government; and if I did not lose my establishment,—if the Bastille did not enclose me,—I owe it to the attitude which I have always maintained towards power, and to the offer of my resignation a hundred times repeated. One of the ministers of that time is still in the Government; his evidence will not be suspected. The censors who surrounded me, and whose number had been tripled for my sake, they can render an account of the kind of favour I enjoyed. Resolved to lose all rather than sacrifice my independence, I had declared on several occasions to several ministers, that they might suppress every line I wrote, but that they would never compel me to pen an eulogy or a sentiment contrary to my conscience.' (*Mémoires*, vol. i. p. 222.)

The charge of 'Anglomanie,' so generally made against the party with which Mallet subsequently allied himself in the Revolution, was, in one sense only, a well-founded one as regards himself; for undoubtedly Mallet, as a writer on practical politics, was driven constantly back, for parallels, warnings, and instances, on the example of the only great European State in which good order and free government were united. There was, however, something even ultra-English in the strong part which his journal took in favour of Warren Hastings. He went so far as to offer his pages to that statesman and his friends, as a means of serving their cause with the continental public. We confess that we feel it difficult to understand the spirit of opposition to prevailing sympathies, when carried to such an excess as this. Many an Englishman might side with Hastings, even at the outset of the proceedings against him, from party predilections, from a sentiment of fair play as between him and his accusers, from the feelings under which an old Roman might have stood up for a proconsul who had trampled on a dozen kings, and added a province to Rome. But to a foreigner, we should have thought the question must then have appeared as an issue simply raised between the oppressed and the oppressor.

The outbreak of the Revolution found Mallet, as may be supposed, in a state of general doubt and discouragement. If he cherished all his old antipathy for the movement party, he, nevertheless, disliked and distrusted the Court and its agents. Nor did he believe, Anglomanie as he was held, in salvation through the British Constitution. His views appear rather to have been in favour of introducing some part of its principles only, and uniting them to the existing forms of the French

monarchy; but he was always clearer and more conclusive on the negative than the affirmative side. In 1789, the abolition of the censorship left him free to follow his own course: and on the destruction of the Bastille, he broke finally and completely with the revolutionary party. Henceforward the 'Mercure,' in the hands of the bewildered Panckoucke, freed from ministerial leading-strings, but tottering in all the helplessness of freedom, exhibited for a time odd and contradictory movements. The literary part of the journal, under Laharpe and Chamfort, was as revolutionary as Mallet's division was conservative. Politics, however, carried the day; and the portion of the paper devoted to them daily encroached in space as well as interest on the other. It became the leading organ of those Conservatives who were not absolutely identified with the Court party; and rose in 1790-91 to the then almost unprecedented circulation of 13,000 copies, according to M. Sayous — we have seen it estimated at 20,000. Either a very large number, in days when it is said that 200 or 300 'abonnés' were sufficient to support a newspaper.

The party to which Mallet became more peculiarly attached was that of the 'Constitutionalists'; not those so called in 1791 (Barnave and his followers), but that earlier section who were afterwards designated as 'Monarchiens'; represented in history, now that personages are better remembered than distinctions of abstract principle, by the names of Mounier, Lally Tolendal, and Malouet; with whom were privately combined Montmorin and the others whom the populace knew by the pleasant title of the 'Comité Autrichien.' Theoretically, they upheld the principle of the three powers; and their upper chamber, the grand difficulty of balanced Constitutionalism, was to be composed of members partly elected by the *noblesse*, partly by the clergy, and partly nominated by the Crown. We mention this, not to point out for particular admiration this project of a Senate, devised by Mounier, — though perhaps it would not be easy to invent another equally calculated, in appearance, at once to reconcile existing interests, and to answer the requirements of the public service, had it been possible to stop short at that particular crisis of the Revolution, — but as indicating the 'ultimate' of Mallet and his friends in political views; for he was no changeling. But he was little addicted to discussions on forms of government. The great difference between him and his contemporary journalists seems to us mainly this, that he recurs so little — perhaps too little, under the circumstances, — to theory, and says so little of political forms. For him, a Swiss of twenty years' education in the real, however limited,

arena of Genevese controversies, such speculations had little attraction. He turned from them readily to attack the particular errors, violences, and extravagances of the hour, to recall men to a sense of personal moderation and justice, and to instil a few sound, but generally negative doctrines. Nevertheless, when he did pronounce himself, it was uniformly in favour of 'mixed government'; and his experience taught him to find the main argument for it in an hypothesis which is often made by more speculative writers the basis of reasonings against it — the relaxed political morals, the degeneracy (for such he deemed it) of our age — with which he thought nothing but a system of checks and compromises would really suit.

The partial supremacy of this fraction of public men in the Legislature lasted about two months, August and September, 1789. It fell when the populace invaded the Assembly, and not less under the distrust of the majority of the nobles and clergy, than under the violence of the people itself. Of the leading triumvirate, Malouet alone remained at Paris, and became thenceforward closely connected with Mallet in friendship as well as public opinion. But the silenced fraction fell back by degrees into the mass of the 'Droite,' and so did the 'Mercure'; it became less a Monarchien, and more generally a Royalist paper; and so continued during the year 1791, when indeed the imminent danger of Royalty itself left comparatively little room for subdivision among the mass of its sadly diminished supporters, although the leaders remained as irreconcilably split into factions as ever.

Wearisome and discouraging were the labours of its editor, in struggling against the continuous torrent of popular hostility. But it must not be imagined that he had nothing more to undergo than such ordinary misfortunes, or to encounter only the common perils and annoyances of newspaper controversy. Very different from these are the trials of conservative journalists in times of revolution. The mouth-piece of the 'Comité Autrichien' was peculiarly marked out for the enmity of rival writers,—of Brissot, Camille Desmoulins, and the other leaders of the populace, who had not only pens but pikes at their disposal. For two years, the records of Mallet's life are those of constant personal danger; hairbreadth escapes from patriotic vengeance. Now, it is a visit from 'quatre furieux,' who come to show him their pistols, and threaten him with death if he should dare to write in favour of Mounier's 'Opinion on the Veto,' threats which he answered by supporting the opinion in question in his next Number. Now, a more solemn and methodical deputation of fourteen or fifteen strangers, the redoubtable Fournier

l'Américain at their head; who come to tender him fraternal advice to change his style, and conform to patriotic doctrines. Now again, a domiciliary visit from the Commissary of the Section, occupying his house with soldiers, seizing and transcribing his papers, and leaving them under seal and guarded by two fusiliers. There was hardly an *émeute* or popular movement, in which his family might not hear his name mingled with those of which the sacrifice was demanded; hardly a week that did not usher from the press some incitement to his assassination. 'Mallet-Pendu' was too tempting an anagram of 'Mallet-Dupan' to escape the facetious 'Procureur-Général de la Lanterne,' Camille Desmoulins. The following epigram, not the least significant among a thousand similar ones, we have read in some newspaper of the time of Mirabeau's last illness:—

Grand Dieu! de tes décrets je suis épouvanté;  
 Honoré Mirabeau dans des tourmens expire:  
 Et Mallet vit, et Durosoy respire,  
 Et Maury crève de santé!

Durosoy was guillotined. Maury escaped by feats of reckless bravery and presence of mind. Mallet was saved, in all probability, only by the destiny which removed him from Paris at the time of greatest danger.

'La fille de Mallet du Pan, expliquant un jour à un ami la vivacité de ses opinions, par celle du souvenir qu'elle avait gardé de ces temps, lui écrivait:—"Comprenez-vous mon enfance passée aux premières horreurs de la Révolution? Les soirées silencieuses où, assise à côté de ma mère sur une petite chaise, chaque coup de marteau frappé à la porte me causait une émotion, pensant qu'il annonçait mon père, dont l'attente était accompagnée chaque jour de la crainte de le voir ramené assassiné! Ma mère ne disait rien, et moi non plus; mais quoique fort jeune, je devinais et je partageais toutes ces impressions. Puis cette affreuse scène à l'Opéra, où j'entendis vociférer ce bon peuple contre les aristocrates, et crier Mallet du Pan, à la lanterne! Un signe de ma courageuse mère me contint; mais je perdis subitement la mémoire et le sentiment du lieu et de ce qui se passait autour de moi, et il fallut bien me sortir de cette loge, effrayé qu'on était de mes questions à voix basse. Un ami qui était avec nous me sortit et me fit prendre l'air, pendant que ma mère restait immobile. . . . Et ces affreuses journées des 5 et 6 Octobre, 1789,—ce roulement lugubre du tambour,—ces Gardes Nationales à jamais exécrables pour moi,—ces torrens de pluie, et cette consternation de mon malheureux père si justifiée par l'événement,—les têtes portées au bout des piques!—plus tard la fuite du roi, pendant laquelle il fallut en hâte fuir nous-mêmes notre maison, nous séparer, nous cacher, les uns ici, les autres là!" (Vol. i. p. 268.)

We cannot but wish the author of these memoirs had been able to give us a closer view of the domestic life of Mallet at this time: it is always an interesting occupation to citizens of peaceable days, to endeavour to realise the course of household existence amidst such scenes as these -- but probably materials were deficient. Mallet seldom speaks of himself, except in connexion with politics. We only know that his lodgings became in 1791, a kind of rendezvous for the gentlemen of his party, when they used to meet in the evenings after the debate in the Assembly.

All situations of prolonged danger seem to have their compensation in the excitement they produce. 'Lorsque, avant la Révolution, (says Chateaubriand) je lisais l'histoire des troubles publics chez divers peuples, je ne concevais pas comment on avait pu vivre en ces temps-là; je m'étonnais que Montaigne écrivît si gaillardement dans un château dont il ne pouvait faire le tour sans courir le risque d'être enlevé par des bandes de ligueurs ou de protestans. La révolution m'a fait comprendre cette possibilité d'existence. Les moments de crise produisent un redoublement de vie chez les hommes. Dans une société qui se dissout et qui se recompose, la lutte des deux génies, le choc du passé et de l'avenir, le mélange des mœurs anciennes et des mœurs nouvelles, forment une combinaison transitoire qui ne laisse pas un moment d'ennui. Les passions et les caractères en liberté se montrent avec une énergie qu'ils n'ont point dans la cité bien réglée. L'infraction des lois, l'affranchissement des devoirs, des usages et des bienséances, les périls mêmes ajoutent à l'intérêt de ce désordre. Le genre humain en vacances se promène dans la rue, débarrassé de ses pédagogues, rentré pour un moment dans l'état de nature, et ne recommençant à sentir la nécessité du frein social que lorsqu'il porte le joug des nouveaux tyrans enfantés par la licence.' Still, notwithstanding all we know of the stoicism engendered by the constant presence of danger, it is difficult to conceive, not the courage with which the unpopular journalist confronted it -- those were times in which similar exhibitions of manhood were common enough -- but the professional coolness, which enabled him to go on with work requiring the regularity of a machine amidst a distracted and furious world, and deliver his weekly 'Premier Paris' with all the certainty of the almanac; for the 'Mercure' was the most punctual of papers, and came out scrupulously every Saturday, at the Hotel de Thou, Rue de Poitiers, No. 18.'

At last, however, the declaration of war with Austria put a final stop to the existence of the 'Mercure.' Poor Panckoucke.



‘like the god Janus,’ as Camille represented him, with one face to the dark past and the other to the smiling future, had gone on conducting his two journals, the radical ‘Moniteur’ and the conservative ‘Mercure,’ as long as such base compromise was possible; — both, no doubt, were abundantly paying concerns: but the interests of the neck prevailed at last over those of the pocket. Impending proscription rendered the farther continuance of Mallet’s labours out of the question. He took leave of his vocation in one of the most powerful articles which had ever issued from his pen. ‘Indomptable jusqu’au bout,’ says his biographer, ‘il voulut dire encore une fois la vérité à tout le monde, à la révolution, à ses amis comme à ses ennemis, à commencer par les mécontents qui, sur l’autorité des lieux communs, avaient toujours espéré la fin des malheurs publics, sans qu’il fût besoin d’en retarder l’accélération.’ He had been for years endeavouring to dissipate what he considered illusions respecting the real character of Democracy: but Democracy had now arrived: and he turns to expose that other set of fallacies with which, perhaps, we are a little more conversant at the present day, concerning the durability and end of popular government — the notion that anarchy can ever tend to order of itself — that there is any safe and bloodless road out of Democracy: —

‘Ces illusions ont été soutenues par des adages de brochures et de conversation. Le désordre amène l’ordre, entendait-on de toutes parts; l’anarchie recomposera le despotisme; le Français ne se passera jamais d’un roi; il aime les rois; aucune nation ne fût plus affectionnée à ses rois. La démocratie meurt d’elle-même. Elle ne convient pas à la France; donc on ne pourra jamais l’y établir. Et mille autres pauvretés, pardonnables à des hommes qui n’ont jamais approché du gouvernement populaire; vraies peut-être dans leur application à la durée d’un demi siècle, mais fausses dans le sens qu’elles promettaient un terme très court à la fièvre républicaine des Français. . . . Le désordre n’a jamais amené que le désordre; c’est un effet qui devient cause, et cause toute puissante lorsqu’elle est maniée par une faction qu’aucune force ne contre-balance. Il se prolonge par le besoin qu’ont ses fauteurs de l’entretenir, et par leur adresse à y intéresser la multitude; il favorise leur bût d’enervier et d’avilir les autorités légitimes pour en transporter ailleurs l’activité; les violences préparent d’autres violences; on ne fait des lois que pour assurer le succès des illégalités, et le mépris de ces mêmes lois est commandé par leurs instituteurs lorsqu’elles commencent à contrarier le cours de leurs entreprises. . . .

‘D’ailleurs, il ne faut pas s’y méprendre; de toutes les formes de gouvernement la démocratie, chez les peuples corrompus, est celle qui généralise le plus fortement les passions en les électrisant. Elle charme la vanité, elle exalte l’ambition des âmes les plus vulgaires,

elle ouvre mille portes à la cupidité, à la participation du pouvoir ; elle développe chez les brutes, comme chez l'homme d'esprit, dans les greniers comme dans les salons, cet amour de la domination qui forme le véritable instinct de l'homme, car il n'aime l'indépendance que comme moyen d'autorité, et une fois soustrait à la tyrannie, son premier besoin est de l'exercer. . . .

'Ainsi, de proche en proche, s'est opéré un déplacement universel ; ainsi, l'on a transformé la France en une table de joueurs, où avec du partage, de l'audace et une tête effervescente, l'ambitieux le plus subalterne a jeté ses dés. . . . Qu'on évalue maintenant l'impulsion que reçoit du caractère national cette immense loterie de fortunes populaires, d'avancement sans titres, de succès sans talents, d'apothéoses sans vertus, d'emplois infinis, distribués par le peuple en masse et reçus par le peuple en détail. Qu'on examine l'incalculable activité d'une semblable machine, chez une nation où la fureur d'être quelque chose domine sur toutes les autres affections ; où l'amour de la dispute, de l'ergoterie et du sophisme ont tué toute conversation sensée ; où le marchand du coin est plus glorieux de son épaulette que le grand Condé ne l'était de son bâton de commandement ; où on ne trouve que chez le petit nombre silencieux et retiré, la gravité, la réflexion, la retenue, la modération d'esprit, qui peuvent seules tempérer le délire d'une mauvaise démocratie. . . .

'C'est donc par un défaut complet d'observation et de jugement, qu'en sortant de leur loge à l'opéra, où sur le marche pied de la voiture qui va les conduire à Coblenz, tant d'hommes inattentifs ou passionnés ajournent depuis trois ans la fin de la tempête au prochain trimestre. Il est absurde de penser qu'une vaste monarchie de quatorze siècles, brisée en huit jours, se relèvera d'elle-même par les progrès de l'anarchie ou par l'inconstance de la multitude.

'Ah ! les racines du désordre ne sont pas si près de la surface. Ceux qui les ont plantées connaissent mieux que leurs adversaires le cœur humain et le caractère du siècle.' (Vol. i. p. 274, &c.)

His energies were now to be turned in another direction. Mallet, as we have seen, had not been popular with the Court party ; and he had treated that party, and the Court itself, for a long while with almost cynical contempt. It cannot indeed be denied, and is admitted by his biographer, that his somewhat atrabilious humour led him at times into the error which he denounces in others : that his language tended rather to exasperate than to soothe the hostile feelings of different sections of the Royalists ; as, for instance, in the sarcastic bitterness with which he treats the efforts of Delessart and De Narbonne to negotiate with the popular leaders after the return from Varennes. Nevertheless, his position in the party necessarily brought him into occasional connexion with the plans of the King's private advisers. M. Sayous infers that he was cognisant of the negotiations with Mirabeau, from the circumspect manner in which he deals with that tribune during the latter years

of his life. He entertained, however, no sympathy with the latter's advances towards the Monarchiens. Although both Mallet and Mirabeau, in the latter's phrase, agreed in being 'amis de l'ordre, mais pas de l'ancien ordre,' Mallet's principles and honesty must have revolted from the Machiavelism which, as the correspondence with Lamarek too plainly shows, entered into all Mirabeau's schemes of reaction. Bertrand de Moleville asserts himself to have introduced Mallet to the King, in May, 1792, as an agent to be employed on a diplomatic mission; M. Sayous says this was done by Malouet. His mission was to Francfort and Coblenz, 'to represent to the emigrant princes, the Emperor and King of Prussia (who were to meet at the former city on the occasion of the coronation) the situation of the kingdom, and the intentions of the King in reference to the war and its consequences.'

The 'Instructions' given to Mallet before he started are published in De Moleville's *Memoirs*. But a more important document is the 'Mémoire' ultimately presented by Mallet to the sovereigns two months afterwards (July 14.), and which first appeared in the late Professor Smyth's lectures on the French Revolution. M. Sayous says that this remarkable paper was 'rédigé sur des bases arrêtées par le roi, rédigées ensuite et en gros par Mallet, puis annotées et augmentées de la propre main du monarque.' This description cannot be strictly true of the whole 'Mémoire'; for the last part of it is a commentary on the results of the recent insurrection of the 10th of June, and the changes which it had produced in the situation of the monarchy. This portion must be either wholly Mallet's or wholly the King's; — concert between them there can hardly have been, Mallet having left Paris on the 22nd May. We wish that M. Sayous had been a little more explicit on this point, because the real authorship of this 'Mémoire' is a matter of some importance in French history.

For it professed to contain the King's instructions for the Declaration which was to be issued by the allied Sovereigns when they entered France. Now it will be recollected, that after the unfortunate issue of the Duke of Brunswick's invasion, much stress was laid on the imprudent and violent expressions which his famous manifesto contained, as a main cause of the national resistance by which that invasion was met; and, as usual in such cases, great pains were taken by many parties to disavow the particular language held by the Duke, and to place it to the account of some unauthorised and obtrusive advisers. A certain Marquis de Limon has been pointed out as the chiefly obnoxious party, in a story originally told in the '*Mémoires tirés des papiers*

'd'un homme d'état,' and repeated by M. Sayous. Now we are bound to say, that whatever may be thought of the unlucky flourishes of the Marquis's penmanship, the Manifesto does in substance very closely follow the instructions contained in Mallet's 'Mémoire': and that although wiser and more dignified language might have been used, no mere improvement in form, without absolutely departing from the heads laid down by Mallet, could have rendered that document other than a direct defiance not to the Jacobins only, but to France.

Take for instance the following passage of the Manifesto, which was thought to have provoked above all others the indignation of patriots, and spirit of resistance among the people in general:—'The city of Paris and all its inhabitants without distinction, shall be called upon to submit instantly to the King, to set that Prince at full liberty, and to insure to him and to all royal persons that inviolability and respect which are due by the laws of nature and of nations to sovereigns: their Imperial and Royal Majesties making personally responsible for all events, on pain of losing their heads, pursuant to military trial, without hope of pardon, all the Members of the National Assembly, of the department, of the district municipality, and National Guards of Paris, justices of peace, and others whom it may concern. And their Imperial and Royal Majesties further declare, that if the palace of the Tuileries be forced or insulted, or the least insolence be offered, the least outrages be done to their Majesties, the King, the Queen and the Royal Family, if they be not immediately placed in safety and set at liberty, they will inflict on those who shall deserve it, the most exemplary and ever memorable avenging punishments, by giving up the city of Paris to military execution, and exposing it to total destruction; and the rebels who shall be guilty of illegal resistance shall suffer the punishments which they shall have deserved.' Do these 'brave words' convey any meaning whatever beyond what is contained in the corresponding passage of the 'Mémoire,' of which they are the amplification?

'L'impression de terreur résultera encore, et principalement, d'une déclaration énergique à l'Assemblée Nationale, à la capitale, aux corps administratifs, aux municipalités, aux individus, qu'on les rend personnellement garants, dans leurs corps et biens, du moindre préjudice apporté à la personne de leurs majestés, de leurs familles, et aux citoyens quelconques. Cette déclaration doit frapper encore plus particulièrement la ville de Paris.'

The King, in short, recommended the sovereigns to employ certain specific threats, and that in energetic language to inspire

terror: the Manifesto faithfully conveys those threats, and in language which the writer doubtless thought the most energetic and terror-striking in his power. If the policy which dictated the Manifesto was wrong, it is vain to endeavour to turn off the responsibility on the penman. But it is the peculiar curse of a losing cause, that each step, however carefully taken, seems to make the situation worse: and that spirits and temper are wasted in ineffectual recriminations about special instances of supposed misconduct, when the best counsels would have been equally powerless with the worst to avert the inevitable.

We have dwelt a little on this passage in Mallet's life, because it is that by which he is best known, and through which he played a momentary part on the great theatre of European events. The remainder of his career was one of continual vicissitude, with less of personal interest for the general reader. Driven from place to place by the spread of the Revolution, he continued at Geneva, Berne, Freiburg, and London, his paper-war against the advancing giant, in pamphlets and newspapers, and correspondence with persons of eminence who consulted him on the events of the day. There are few common places more often repeated than those on the hardships of political exile: and yet, accustomed as we unhappily are to the sight of it, we perhaps are hardly wont to realise its actual bitterness, when we do not see it attended by downright privations. The emigrant, at first ardent and impetuous, full of interest in the scenes he has left and communicating that interest to others, full of the hope of victory, reinstatement, and revenge, has to learn that every day which lengthens his exclusion, takes off from his own personal importance no less than it curtails his prospects. His connexion with public men and events has been cut violently short: no effort of his can reunite it, or keep him up to the level of passing events. If the government which has expelled him succeeds, the opposition to it of his old associates diminishes with time, and he is left alone in the bitterness of unavailing hatred, his feelings out of date, and his complaints grown wearisome. If it falls, it is generally under the attack of some new combination, whose members rarely and reluctantly admit their antiquated ally to a share in their triumph. Mallet was no Frenchman, but a cosmopolite: he lost by his emigration neither country nor establishment; for no cynic philosopher could be freer from the impediments of worldly possessions. He lived by his pen, and was throughout so wholly disinterested in his political career, that he even returned the sum allowed him by the Court for his mission of 1792, deducting only his actual expenses. But he had become wedded to French politics. Ex-

clusion from the scene in which he had so long played his part, was a constant irritation to a mind in no very placable order.

He saw the strength of the Revolution, and the feebleness of its antagonists, with all his former sagacity; though it must be admitted that he expressed it in language which had a tendency to discourage, perhaps to divide, the friends for whom he wrote. He was fully aware how much of the strength of a government of violence lies in those very circumstances which superficial observers cite as signs of weakness; and he had attained, what is so singularly wanting in French political writers, a thorough appreciation of the motives that actuate those general masses of the community which never begin revolutions, but through which alone they can be continued or checked in their career.

'On ne peut s'imaginer communément,' he says in a Memoir addressed to Lord Elgin and M. de Mercy, November, 1793, 'qu'un gouvernement dure au milieu de tant de violences et de tant de crimes; mais c'est faute de n'avoir pas assez consulté l'histoire des nations. Qu'on ne s'y méprenne pas. Les atrocités sont la marche passagère, mais inévitable, d'un pays qui a déplacé tous les anciens pouvoirs, toutes les anciennes institutions, et qui a besoin de la violence pour vaincre toutes les résistances qu'il éprouve, et de la terreur pour prévenir toutes les résistances qu'il craint. Ainsi la France tout entière, étant pour ainsi dire en état de siège et en présence d'une foule de divisions intestines qui la menacent, qu'importe aux chefs qui la conduisent d'être barbares, s'ils sont prudents? or c'est une grande et terrible mesure de prudence d'avoir ne se mettre au-dessus de toutes les formes, et d'avoir employé à l'égard de tout leur sol les mesures qui se pratiquent dans un vaisseau en péril, ou dans une ville assiégée.' (Vol. i. p. 412.)

'Il faut chercher la cause de cette révolution,' he says, in a letter to the Abbé de Pradt, 'dans la caractère du siècle. A force d'urbanité, d'épicurisme, de mollesse, tout ce qui est riche, grand de naissance, homme comme il faut, est absolument détrempé. Il n'y a plus ni sang, ni sentiment, ni dignité, ni raison, ni capacité. L'amour du repos est le seul instinct qui leur reste. . . . Tout se réduit en dernière analyse au calcul que voici; combien me laissera-tu si je te livre mes lois, ma patrie, mes autels, les cendres de mes pères, mon honneur, mon postérité? Lorsque les nations en sont là, il faut qu'elles périssent.'

The accomplishment of some of these views by the Reign of Terror was strikingly exact. They may receive as forcible illustration under the government of a single master as under that of the million.

Such was the general tone, with little variation, of Mallet's predictions in exile. Once only, during the predominance of the Sections in 1795, he seems to have had some confidence in the approaching re-establishment of Royalty, on his own

favourite bases, 'par le corps législatif et les assemblées primaires;' but this gleam of hope was soon shrouded in the smoke of Buonaparte's artillery, and gave way to deeper darkness than prevailed before.

'L'habitude des malheurs et des privations, l'état affreux où ont vécu les Parisiens sous Robespierre, leur fait trouver leur situation actuelle supportable. La paix, comme qu'elle fût donnée, comblerait de joie la nation. La lassitude est à son comble; chacun ne pense qu'à passer en repos le reste de ses jours. Que Carnot ou le duc d'Orléans, que Louis XVIII. ou un infant d'Espagne soient roi pourvu qu'ils gouvernent tolérablement, le public sera content. On ne pense qu'à soi, et puis à soi, et toujours à soi. Le bas peuple n'est pas revenu de son hydrophobie; c'est toujours un animal enragé malgré sa misère profonde. La raison ne l'atteint point: il souffre, et attribue tous ses maux aux Royalistes et à la guerre qu'ils entretiennent.' (27th March, 1796: vol. ii. p. 223.)

It is needless to point out the resemblance between not only the views but the style of Mallet and those of Burke: and Burke in effect said, 'that, with inconsiderable exception, he found in the "*Considérations sur la Révolution*," every sentiment which he had himself entertained on the subject.' (Lord Elgin to Mallet, 1794.)

The following passage on Napoleon's elevation to the Consulate is perhaps less ordinary in its subject matter; it portrays the popular sentiments which attend the ambiguous position of a Dictator just raised to power by and out of a democracy; when —

'Ceux qui veulent de lui ne veulent pas de roi,  
Ceux qui veulent un roi ne veulent pas de lui!'

when all men see in him the prospect of attaining whatever they respectively wish, while none as yet adhere to him for his own sake.

'Au sein d'une république sagement réglée, on précipite un pareil citoyen de la roche Tarpéienne; dans une république telle que celle de France, ce citoyen monte au capitole avec le pouvoir de l'embraser, s'il est forcé d'en redescendre, ou si le sceptre consulaire ne suffit ni à sa sûreté, ni à sa domination. . . . Il n'y a nulle conformité entre les systèmes, les vœux et les opinions de la foule qui applaudit au changement, qui en attend et qui en reçoit des avantages. Les uns se croient sur la route d'une République plus parfaite, qui terminera les agitations, et qui maintiendra entre les pouvoirs publics une balance invariable. D'autres se croient à la veille d'un tel resserrement d'autorité, qu'ils placent un monarque constitutionnel à la tête du gouvernement; mais, en alliant ainsi la royauté et la république, chacun dresse le contrat particulier de cette union; et nomme au gré de ses intérêts ou de ses théories le titulaire à qui on décernera la

couronne. Enfin, de troisièmes plus insoucians sur le sort des lois publiques, excédés de constitutions et de troubles populaires, sans vouloir de contre-révolution royale, ambitieux de fortune, de places, et de renommée, toujours prêts à se dévouer à celui qui commande avec quelque supériorité, ne voient plus l'état que dans Buonaparte, la tranquillité et la fixité que sous une domination militaire, présidée par un chef capable d'en imposer à toutes les factions.' (Vol. ii. p. 426.)

Mallet judged Buonaparte, personally, with no indulgence; but notwithstanding his position as a writer, depending for his bread on Royalist support, he did not fail on any occasion to express frankly his satisfaction with the Consular Government, as compared with the decrepit anarchy which immediately preceded it. His feelings on this head may be partly attributable to a special hatred of the Directory for their conduct to Switzerland; but more was owing to his deliberate political opinion. He probably thought the despotism of one man in France, as then situated, neither so intolerable in itself, nor so hopeless of amelioration, as other conditions through which he had witnessed her passage. And while the emigrants generally estimated events in France simply as they raised or depressed their own hopes of return, his masculine spirit could not be prevented from taking a wider range, nor his prophetic vision circumscribed to see only what was pleasant to his customers and associates.

It was in May 1798 that Mallet du Pan found his last refuge in England, where he resorted chiefly on the invitation of Mr. Reeves, the author of the *'History of English Jurisprudence,'* and chairman of the well-known Anti-Jacobin Society. Mr. Reeves had taken his measures with Government, and Mallet was soon installed as editor of the *'Mercure Britannique,'* to which, however, Government appears to have given no further assistance than the occasional communication of official documents, and a subscription for twenty-five copies to send to the conquered French colonies. But the *'Mercure'* succeeded beyond expectation, and the spirit of its editor retained all its original fire and energy, the more so, perhaps, from this very independence of Government aid. The last years of Mallet's life were also, in some respects, not the least prosperous. His family was a happy one. He met in England with great respect and attention, both from Englishmen interested in continental affairs, and from the *élite* of the French emigration, notwithstanding their frequent opposition of views. He incurred indeed in proportion—what, to such an inveterate controversialist, was probably rather a pleasing



excitement, and certainly no disgrace—the hatred and abuse of Peltier, and the ‘enragé’ section of expatriated Royalists.

But the close of his day of work was approaching. His health gave way under the effects of change of climate, and the unremitting exertion which his newspaper required of him. He was forced to resign his pen, and did not survive many months the unwonted cessation from life-long labour. His last moments were cheered by the success of his friends in obtaining from Government the promise of a pension for his widow, and employment in a public office for his son. He died at Richmond, 10th May, 1800, at the age of fifty-two. An article by Lally Tolendal, in the ‘*Courier de Londres*,’ contains the funeral eulogy of ‘le célèbre et respectable Mallet du Pan.’ ‘Personne,’ said his old associate, ‘ne s’est moins trompé que lui: personne ‘surtout n’a moins que lui voulu tromper les autres.’

It was high and merited praise. And though Mallet achieved neither fortune nor fame in his long controversial struggles—though, had it not been for the publication of these *Memoirs*, which have drawn attention once more to his personal character, he would have remained a mere idle name on the pages of revolutionary history, showing the general fate of journalists and pamphleteers after the period of their contemporary celebrity is over; yet there is something so rare, in all times, and not the least in our own, in that moral courage which never yielded for an hour to the temptations commonest to writers who must live by popularity, those of flattering the popular leaders of the day or the special prejudices of their own circle, that it arrests the attention, and forces the observer back on the reluctant inquiry, why it is that so little political or social improvement of any kind has resulted from the unusual influence which the press and literature have exercised on the march of Government in France for the last sixty years? For, notwithstanding Chateaubriand’s most unfounded complaint, that ‘le talent littéraire, bien évidemment le premier de tous parcequ’il n’exclut aucune autre faculté, sera toujours dans ce pays un obstacle au succès politique,’ no one can deny that during this period the experiment of investing men of letters with political power has been tried there, and tried on a larger scale than it ever was elsewhere, unless it be in China. Ever since 1789, with the exception only of the fifteen years of Napoleon’s dominion, the pen has reigned supreme in France. Now that it is dethroned—now that, for a season, long or short, not only its direct authority but even its indirect influence seem likely to be suspended—it may be worth while to cast a retrospective glance at once on the glories and the errors of the deposed dynasty.

If the reforming Sovereigns of the Continent, in the last half of the eighteenth century, did honour to themselves, and no small benefit to the moral and mental condition of those they governed, by calling to their friendship and their councils the chiefs of literature and science, it is certain that the result tended rather to lower than to elevate the real importance of the class itself which they thus delighted to honour. For, from that time, the notion began to prevail,—and a notion so flattering to the vanity of those who direct the opinion of the educated class was sure to spread with rapidity,—that the world had misunderstood their true position: that they, the benefit of whose indirect influence on society was so fully acknowledged, were, in fact, the parties best qualified to administer its affairs. Sovereigns and statesmen vied with each other in acknowledging that they held their power only as vicegerents of the Sages of the day. If these rulers only dispensed philosophy at second-hand, why not recur to the original sources? The days of feudal darkness, military violence, official ineptitude, were passing away. The true qualifications for governing empires would be, in future, a discovery in natural science, the applause of a coterie in literature, a *benè discessit* from Ferney in philosophy. Nor would their claims to social distinction be less recognised than those to political greatness. Ladies of fashion—the true dispensers of such success—already dropped their ordinary predilections and rivalries, to quarrel for an inarticulate grunt of approval from Huine, or even a *coup de griffe* from the theatrical wild man of Geneva.

These were mere exaggerations of a folly of the times; but they had their serious results, abiding delusions, from which the classes affected by them have hardly as yet sobered down. For the old maxims of common-place wisdom are assuredly not mere phrases—that Truth is too jealous a mistress to be wooed together with Vanity—that the lust of the eye, and the pride of life, are scarcely less hostile to the development of the philosophic than of the religious character—that there is something in the real dignity of learning not only superior to the common glories of the world, but external to it—that its real place is in a purer, if a cooler and less exciting atmosphere, than that of politics, business, or fashion. And when we hear of science and literature resplendent with the honours of the Senate, as recently in France, or brilliant with success in courtly society, we are not ashamed to own that school-boy recollections will now and then bring back to us the old eulogy of Ovid on the scientific heroes of antiquity, lines in which we cannot but fancy the poet meant to convey some covert satire on the *mathematici* of his day,

and the position which they endeavoured to establish in the palace of Cæsar and the great houses of Rome : —

Credibile est illos pariter vitiisque locisque  
 Altius humanis exseruisse caput.  
 Non Venus aut vinum sublima pectora fregit,  
 Officiumve fori, militiæve labor :  
 Non levis ambitio, perfusaque gloria fuco,  
 Magnarumve fames sollicitavit opum.  
 Admovere oculis distantia sidera nostris,  
 Ætheraque ingenio supposuere suo.

While we readily admit how much of ornament they lend to those extraneous circles, whether of business or pomp, which they thus frequent, we cannot forget that, as far as their own dignity is concerned, their truer place is elsewhere.

However this may be, certain it is that the French Revolution, which cruelly rebuked so many vanities, spared least of all that of its own authors and early flatterers, the Encyclopedic race of literary men. Such of them as attempted to take part in the great movement they had helped to create, failed ludicrously or perished miserably. Its annals have scarcely a more contemptible part to exhibit than those of such men as Condorcet and Bailly, yielding meanly to the temptations which men like Mallet resisted, striving to maintain a precarious footing in public life by abdicating all the dignity and self-respect of their own high position, and adopting the basest passions and coarsest language of the multitude which mocked at them even while it bore them in triumph. No man of letters, properly so called, succeeded in obtaining any real influence in the first Revolution: while the journalists, an irregular corps created by it, and even yet much less connected than they will one day become with the disciplined troops of literature, not only managed to put themselves for a time at the head of affairs, but produced from their ranks some men entitled to the character of real statesmen, and many who contrived to appropriate to themselves a large share of such power and wealth as the Revolution had to bestow. Louis Blanc, in his History of the Revolution, has a chapter entitled '*Le journalisme, un pouvoir nouveau.*'

The reign of the pen was therefore inaugurated by that catastrophe, although not precisely in the manner predicted in those sanguine anticipations to which we have above alluded. Its aristocracy, so long buoyed up by hopes of coming greatness, fell to the ground: its democracy triumphed. But the sovereignty of the press was not more exempt than that of former rulers from the invariable attendants of class domination, the envy and fear of the masses. Whatever may have been

felt by the instructed classes under the restraint imposed on it by Napoleon, there can be little doubt that this compulsory silence, and the insignificance to which he reduced at once the higher and lower orders of the Republic of letters, were generally popular in the early part of his government, and regarded with indifference even to the end of it. But the governments which followed made ample amends to the press for this temporary humiliation. From the fall of Napoleon until very lately, it assuredly attained a higher position and exercised higher functions than ever was the case before in Europe. The conjuncture of circumstances was peculiarly favourable to it. Never, perhaps, was a great people placed so entirely out of the influence of those classes which ordinarily produce governors and representatives—never was there such an absence of the materials usually employed in political construction—of the machinery required to manage the constitutional, or, indeed, any system. Military power was for the time extinguished. Appeal to the democratic element was out of the question. It seemed as if France was drained of the raw material for statesmen as well as for armies. The remnant of the old *noblesse* was tried in the first instance, and was found utterly wanting—no less in personal qualities than in popularity. The representatives of the material wealth of the country were not only, generally speaking, deficient in political education, but their interests are in France peculiarly class and local interests, and their accession to power was apt to bring with it rather an increase of jealousy than of confidence. The bar and the magistracy could do something—but only something—towards supplying the deficiency. Under these circumstances, the recourse which was had by successive sovereigns to men of literary eminence to form the main strength of their governments arose rather from necessity than from predilection, or from any mistaken calculation of popularity. They were the only available ‘notabilities’ within their reach. And the writers themselves, full of Encyclopedic tradition, responded to the call in perfect sincerity. They regarded such eminence as simply their right. They believed themselves the existing representatives of the great ruling caste, as truly as ever did the descendants of the companions of Clovis or of William the Conqueror.

We believe that we are not far wrong in assuming that a majority of the great political reputations of that epoch, which are destined to survive, are those of men of letters—many of them such by profession; and generally men whose position as writers would have been a distinguished one, even if they had never been known to the world in any other capacity. It is a

singular phenomenon — unique, so far as we know. We need only allude to the foremost name of all — that of one who, for eleven years, stood at the head of affairs in France, a longer period of power than has been filled by any one there since Cardinal Fleury, one whose honourable and dispassionate attitude out of office reflects no less dignity on him than his disinterested tenure of it, and whose overthrow is now felt to have been the great disgrace, as it is the abiding remorse, of those who occasioned it. And the further instances — to mention no more — of Chateaubriand, Constant, Royer Collard, Thiers, Lamartine — without having recourse to the remaining sages of the Provisional Government — will at once occur to the reader who wishes to estimate the general correctness of our assertion.

They have had their day; and an impartial future will allow that it was in many respects for them a proud one, and for France a prosperous one. It will record the rapid recovery of the nation from the exhaustion of war and defeats: the re-establishment of its foreign influence, the great development of its internal resources. It will do justice to the steadiness with which those statesmen laboured, on the whole, to ameliorate the condition of the people, and, still more, the tone of national feeling: to repress popular aspirations after military greatness, to extirpate the remnant of enmities and strifes which the revolutionary period had left in the minds of men. It will acknowledge that never did France enjoy so many of the advantages ordinarily comprised under the general term of good government, as from 1815 to 1848.

But it must also recognise the instability of these advantages; the total failure of this period of comparative tranquillity in establishing a single permanent institution, or imparting a single fixed principle. And it will trace much of this ill success to one fatal weakness of the statesmen of that era, and the literary statesmen most of all. It arose from that all-pervading sentiment of subserviency to the popular will, to that quintessential element of sovereignty which is supposed to be embodied in universal suffrage, which has been the most enduring and the most unfortunate result of the first Revolution. The politicians in question (with exceptions, doubtless, but these were few,) appeared to start from the fixed principle, that the constitutional government which they served was not a permanent institution. The right of every man to an equal share of public power, the consequent right of the people at large to interfere at will in its own affairs, as distinct from those elective bodies which at best represented but a fraction of it,—these were the fundamental doctrines which they might endeavour to keep out of sight at times,

but which, whenever pressed on them by logical force as against themselves, or needed for the purpose of embarrassing an adversary, they were too ready to proclaim, even with ostentation. Most of these men had begun public life with high popular principles; and it was their constant study to apologise for postponing their adoption. Existing institutions were merely the type of things that were to be;—a course of education, through which the present age was to pass, in order that some future one might come into full enjoyment of the abstract rights of humanity. These observations of course apply with most force to those who governed after the events of 1830 had brought more prominently forward the revolutionary tenets; but they hold good also of their immediate predecessors under the Restoration. By all alike the people were constantly treated as a minor still under guardianship, and every constitutional check and safeguard but as a device for the necessary prolongation of his minority. Thus they had the double and fatally inconsistent task imposed upon them of constantly fighting anarchy in the streets and clubs, constantly extolling the principles which lead to it in abstract discussion. ‘*Je ne connais rien de plus déplorable,*’ says M. Guizot, ‘*que ces pouvoirs qui, dans la lutte des bons et mauvais principes, des bonnes et mauvaises passions, plient eux-mêmes à chaque instant le genou devant les mauvais principes et les mauvaises passions, et puis essaient de se redresser pour combattre leurs excès.*’ What wonder if the people of France never heartily embraced a form of government which their legislators and governors themselves appeared too often to regard as a mere shift and make-believe?

But neither had these statesmen, in general, as it appears to us, any distinct apprehension of the real wants, desires, and impulses of that very people whom they thus deified in their political theory. Probably at no time was there so great a gulph between the governors and the governed in France, so little mutual knowledge of what both so much required to know—each other’s real character—as under the constitutional monarchy. The very ordinary ties of special interests, — those of feudal attachment, nay, of common neighbourhood and local predilections, some of which at least ought to connect the representatives with the represented, — were scarcely maintained, and seemed thought of little account. The deputies belonged, for the most part, to a political caste, out of which the governing few emerged by dint of parliamentary or court interest. The atmosphere of the study, too, — the habit of reading the world in books, not in free communication with its inhabitants, — necessarily rendered

the notions of statesmen taken from it to a singular extent vague and unreal. Accustomed to turn history into a series of party romances, they carried on the same romances in their political career: the only real flesh-and-blood People with whom they had any personal acquaintance at all, was but the excitable, intelligent, capricious populace of Paris and other large cities, men whose language they could in some degree understand, and who could understand theirs well — far better than would be the case with similar classes in our own country; men easily swayed by the Press, and full of political notions and impulses derived at second-hand from books or talk, but with little abiding conviction. The real Demos of France,—the millions of her agricultural people, who live altogether without the sphere of civic and literary influences,—these were, we cannot but suspect, little less strange to the politicians in question than Kabyles or Otaheitans.

It was, as it seems to us, to these combined causes,—the habit of flattering the sentiment of popular supremacy, the habit of mistaking manifestations of opinion by a small and peculiar class for those of the People itself,—that France mainly owed that fatal exhibition of moral weakness and political ignorance which she witnessed in the crisis of February, 1848. It is of little avail now, when the leading nation of Europe has entered on another and not less ominous stage in its revolutionary march, to act the easy part of censors towards the parties enveloped in that most pitiable and undignified of political catastrophes. All that is to our present purpose, is to indicate the particular character which the popular outbreak of that month derived from those features which we have remarked on as characteristic of the then existing government. Never was there popular insurrection of so absolutely unreal and factitious a kind. Whatever amount of bitterness might exist between political parties in the governing class, there existed, as far as the people were concerned, not the remotest sense of any grievance such as ordinarily stirs the blood of the masses — not even the symptoms of one of those popular panics which sometimes exercise an equal influence with real grievances. The so-named ‘people’ seemed called in merely like the supernumeraries in a theatrical battle. They came to play out a play — to complete the *dénouement* of a long political romance — for the mere pleasure of witnessing the actual representation of things of which the narrative had been their favourite reading — as Nero burnt Rome to obtain a distinct conception of the sack of Troy.

These are not the mere impressions of foreign observers: witness the following remark of an acute, and certainly a very

considerate thinker, M. de Sainte Beuve: speaking of the influence of the theatre on the public mind, he says:—

‘ In the scenes, scandalous or grotesque, which followed the revolution of February, what is it that we have most frequently seen? The repetition in the streets of what had been acted in the theatres. The public Places parodied the stage in earnest. . . . “There goes my history of the Revolution,” observed a historian, as he saw one of these revolutionary parodies defile under his window. Another writer might have said, with equal justice, “there goes my drama!” One thing has especially struck me in these events, astonishing as they are, and little as I am disposed to underrate their importance in other respects; it is, above all, a character of imitation, and that literary imitation. One felt that the phrase had preceded the action. In ordinary cases, literature and the stage take possession of great historical events, in order to celebrate them, and to develop their meaning: here it was living history which set about imitating literature.’ (*Causeries du Lundi*, vol. i. p. 36.)

Such was the bewildering anarchy which prevailed no less in the ideas of statesmen than in the details of government—such the atmosphere of fiction and unreality which veiled from the eyes of the governing classes the real aspect of things, when the Demos himself—so long invoked, flattered, and appealed to—at last intervened in his proper person: not as the abstract creature of universal intelligence and power to which each reasoner attributed his own ideas; nor as the Red Republican of the streets, drilled by club agitation, parading the cities in procession, or dancing round trees of liberty; but in the form of six millions of peasant electors, not representing but actually being the bulk of a great agricultural nation, putting by with utter disregard the various theories which were prescribed for their acceptance under names of an exclusive and class popularity unknown to them, and demanding merely a simple and a strong government, and that government under a Buonaparte.

That the desire for a strong government was the ruling principle of the movement may be readily admitted; but it would be absurd for us to shut our eyes to the truth which pride still causes many Frenchmen to reject, that the mere Buonapartist element, sheer attachment to the name and race, had a great share in provoking it also. How far this attachment may be a strong and abiding one, future days will show. Enough for our present purpose that it spreads very widely over the surface, whether it penetrates far below it or not. It is, at all events, very far stronger than those ephemeral and second-hand notions



which make up the changeable creeds of the *bourgeoisie* and the mob. It is, as we believe, no longer wholly or chiefly the old feverish dream of national glory, the heathen worship of the conquering Eagle; not that these are extinct, abundantly nourished as they have been by the folly of statesmen and writers, keeping alive these remembrances as an ignoble source of popularity for themselves. But at the present day, it is probable that 'Buonapartism'—since it becomes absolutely necessary to attempt some analysis of so strange a national faith—is chiefly composed of other elements.

There is, first and foremost, that pervading sentiment among the masses of attachment to a name, a race, or an institution, which for want of a better term we call Loyalty. The word has indeed acquired a kind of romantic colour, from being popularly employed to designate only a particular manifestation of the feeling; that union of religious, chivalric, and patriotic impulses which displays itself in devoted adherence to some royal person or dynasty, long connected with the history and institutions of a country. But this is neither a very ordinary notion among the multitudes, nor an ancient one, in this part of the world at least. It is the production of comparatively modern refinement, and a peculiar state of society. The classical world knew it not. Nor did the feudal world. The knights of Froissart had no loyalty, in this sense. Their devotion was to their leader in the field, or the suzerain of whom they held, not to their country and prince. French and English chiefs served together indiscriminately under the banner of Edward the Third. Loyalty, in the narrow and romantic sense, seems to have been in general the product of long and engrossing national struggles, carried on by a whole people, high and low, under one standard. Thus it arose in Spain through the Moorish wars, in Scotland during those against the Edwards, in France after Agincourt, while in England it hardly existed until the time of the Tudors. It has achieved great things in later times; but, in France at all events, it has long ceased to have a pervading influence. Vendean Legitimism, among the people, has for some time been an exception only; the bond of a minority, powerful from zeal and self-devotion, but still a minority and not a considerable one. But loyalty in the wider sense is not extinct; no great nation, capable of high impulses, could exist without it. It must have a cause and a symbol, strange and even grotesque as these may appear to the philosopher. In America, it may be the Constitution; in Turkey, the banner of the Prophet; in Russia, the person of the Czar; but some rallying point the will and heart of the people will have. Now in France, however unpopular

with the educated part of the public this truth may be, the only loyalty left is Buonapartism. It rests on the original and repeated will and choice of the nation, and the mass of a nation rarely and slowly abandons what it has once deliberately willed. The elevation of Napoleon, which history deals lightly with as one bygone revolution among many others, lives in their memory as a substantial and unrevoked act of popular sovereignty. The Emperor may have forfeited the throne ten times over in the eyes of Europe, and in those of educated France, but not in theirs. Their opinion was never asked. The active population exhausted by war, the fields cultivated by old men and by women, the remnant of the people submitted, in 1814, to what they could not avert; but they submitted under silent protest, to be repeated in every cottage from one generation to another. The young Napoleon was to them what the Pretender was to the Highlanders, the living representative of an injured right. They did not oppose intervening dynasties; they simply ignored them. The Bourbons of both branches were the sovereigns of the army, the nobles, the wealthy, the cultivated, the place-holding and deputy-choosing portions of the nation: not theirs. They went back from a present, in which they took little share, to dwell on the legends of their own chosen leader; so truly did the truest French poet and most thorough Frenchman of our day predict that —

L'humble toit dans cinquante ans  
N'aura plus d'autre histoire.

‘The charge which may with justice be brought against the ‘common people,’ says Macaulay, ‘is, not that they are inconstant, but that they almost invariably choose their favourites ‘so ill, that their constancy is a vice and not a virtue.’

Such were their sentiments down to 1848; and when a nephew of the Emperor, personally an obscure and unregarded man, appealed to those hidden sympathies, they rose almost simultaneously at his bidding. The eight million votes of 1852 may be contested *en masse*, or scrutinised in detail, by those who think it worth their while. The six millions of 1848 are an undeniable portent, to which none can be blind but those who wilfully close their eyes.

It would, however, not be reasonable, in treating of Buonapartism, to regard it as an idle sentiment alone, and to disregard its original cause and rationale. The peasantry of France adopted the first Revolution heartily; and yet were no revolutionists. Jacques Bonhomme might carry a pike, wear a cockade, and sing the Marseillaise, along with his neigh-

bour the *gamin* of the city; but no Republican was he, except exactly so far as suited the interest of his pocket, which he understood a great deal better than Necker and Cambon, or Mallet and Divernois, understood it for him. The troubles which ruined the towns, enriched for awhile the country districts. To the great rustic classes, out of the parts which immediately suffered by civil war, their effect was an enormous rise in the price of agricultural produce, and an enormous fall in the price of land. Jacques paid his taxes in assignats, sold his produce for silver, stowed it away in the thatch of his cottage to form a fund for the purchase of land, and was ready to shout for any government which produced such advantageous results. But they were a great deal too good to last. There came the dread of royalist reaction and the resumption of forfeited property on the one hand; of agrarianism, communism, or whatever the popular name for the hobgoblin may be, on the other. There came, too, what the Buonapartist Granier de Cassagnac (in his *Histoire du Directoire*) has brought forward more distinctly than most writers in general, the actual decay of the instruments of civilised life under the first Republic; the ruin of roads, canals and rivers, forests and buildings, through the weakness of the central and destruction of the local authorities. From all this the First Consul saved the peasantry. It was not to the Revolution, which gave them their stake in the land, but to him who preserved it, that they chose to look as their substantial benefactor; he is their *Pater Patriæ* still; and it is from his descendants that Jacques vaguely expected protection against priests and seigneurs, who (in his fancy) might one day reclaim his property, against usurious townsfolk who might chicane him out of it, and disciples of Louis Blanc, who might fraternally absorb it.

We need scarcely dilate on this last cause, which renders the very name of Buonaparte popular in France — namely, the prevailing dread of anarchy and socialism; because this is in fact admitted by all, and is the main motive which induced the higher classes to acquiesce reluctantly in the present Government, and a great proportion of the lower to support it more actively. But it is impossible to notice this subject at all, without touching on the unreasonable and wilful incredulity with which Englishmen in general are too apt to treat this prevailing apprehension on the part of their neighbours. Because we, in this country, are, happily, exempt from that worst of terrors — because we have not seen our streets deluged with blood, nor our citizens decimated from behind barricades, nor listened to the daily and hourly appeals of a depraved press to

the spirit of license and murder—we quietly pronounce the whole a delusion and a bugbear, alternately ‘got up’ by parliamentary majorities, and successful usurpers, for their own private purposes. Those whose eyes have witnessed the intermittent but inextinguishable civil war of Lyons, the bloody victory of Cavaignac, the sittings of the Luxembourg, the return by a majority of Parisian voters of men pledged to the ‘re-construction’ of society, judge a little differently: and our English views, if more dispassionate, are certainly founded on a much less familiar knowledge of the facts. Sound or not, however, it is sufficient for us that the sentiment is most deeply rooted, and that it adds peculiar strength, not only to absolute government, but especially to a government sanctioned by Buonapartist recollections. The reason for which, we will take from no partial witness, M. Guizot. It is this; that all other French governments since the first Revolution were weak against the extreme Republican opinion, by whatever name it may for the time be called, because they all tampered with it and gave way to it: so have the writers, the statesmen, the educated classes; all, save Napoleon alone.

‘Je pourrais me donner le plaisir de rappeler ici les noms et la mémoire de tant de pouvoirs qui sont tombés honteusement, pour s’être lâchement asservis ou prêtés aux erreurs et aux passions des démocraties qu’ils avaient mission de gouverner. J’aime mieux citer ceux qui ont glorieusement vécu en leur résistant. . . . La France démocratique doit beaucoup à l’Empereur Napoléon. Il lui a donné deux choses d’un prix immense: au dedans, l’ordre civil solidement constitué: au dehors, l’indépendance nationale fortement appuyée par la gloire. A-t-elle jamais eu un gouvernement qui l’ait plus rudement traitée, qui ait montré pour les idées et les passions favorites de la démocratie moins de complaisance? Dans le fond, Napoléon ne s’est préoccupé que de relever le pouvoir, de lui rendre les conditions de sa force et de sa grandeur. . . . Il a cru et prouvé qu’on pouvait servir et gouverner une société démocratique sans condescendre à tous ses penchans: c’est là sa grandeur.’ (*De la Démocratie en France*, p. 26. 28.)

Such was the formidable power against which the anomalous body lately called the Party of Order, or majority of the Assembly, struggled; in a more irregular and divided manner at first, more decidedly afterwards as parties assumed a more distinct shape, from 1848 to 1851. The conflict is too recent, the names of those who have taken part in it too freshly before us, to judge of it impartially, or describe it without *réticences* and restraint. But no circumstance of the whole struggle strikes us

more forcibly than the pertinacity with which the defeated party refused to recognise, with which they now refuse to recognise, the real strength, and the real claims, of the conqueror. They will attribute his success to military force; to fraud, perjury, and violence; to Machiavelian combinations; to their own weakness and divisions; invent any solution, in short, rather than recognise in him the choice of the nation. Those whose republican principles his pre-eminence shocked — those whose personal importance it wounded — those who had formed too just an idea of his dangerous character and unbounded ambition—all who, from any motive, good or bad, opposed him, equally closed their ears against the popular voice. And yet, the real main spring of the crisis was there. Without that voice behind him, neither military force, nor party intrigues, however these may have contributed to the present result, could have given the President more than the success of a day. It is idle to deny the title which that voice confers, regret it as we may. The frame of government must needs rest on some foundation. That foundation cannot be the opinion which sections of educated people, or any majority of educated people, or the street mob of Paris in an hour of revolution, may entertain of the best commonwealth. In a country where every political institution and principle has been swept away from the surface, laying bare the fundamental rock itself, no such foundation remains, except the direct choice of the numerical People. However perilous the appeal to that choice may be, however fallacious the circumstances under which it is exercised, still that choice is law for the time, simply because there is no other. The patriot may deplore it, protest against it, resolutely withhold his own personal adhesion from it; but deny its validity he cannot. Such denial is not merely self-contradictory: it is, in truth, anarchical in its consequences.

We say this in no disparagement of the real merits of the great party, greater in defeat than in success, to which we have referred: or of its eminent and unfortunate leaders. Some future time will do more justice, not only to their motives but to their conduct, than the jealous friends, or victorious opponents, of the present day. Then will be appreciated the gallant stand which they made against anarchy, even to the sacrifice of personal interests and popularity: the perseverance with which they laboured gradually to extirpate those passions and prejudices which opposed the re-establishment of order and sound principles—their steady maintenance, with some fatal exceptions, of principles of international right abroad, financial credit and legal justice at home—their labour, hoping as it were against

hope, to build up a kind of negative loyalty, to reconstruct a disintegrated society with the mere cement of the 'love of order,' — 'to turn lint back into lincen,' if we may use the vigorous comparison of a revolutionary writer.

But it will not be denied, at the same time, that they went on at their work under the influence of deep and ruinous delusions; not only the delusions of the time, but those of the class to which they chiefly belonged — the fatal ignorance which besets men of the study, the drawing-room, and the bureau, as to the real wants and feelings of the outer multitude. They worked on honestly at constructing some kind of edifice of 'Parliamentary government,' while every one else saw clearly enough that even if there had been no Buonaparte in existence — if Sinbad had fairly shaken off the old man, instead of having just lent him his shoulders for a second ride, — the Constitution, of which they were themselves the creatures, was so framed as to render Parliamentary Government simply impossible. In their dread of Socialism, they undoubtedly had the country along with them; but in their dealing with it, in their determination to stop up by force every escape of the feelings of the classes in which the proscribed opinions prevailed, to make an earthquake of every public meeting, a volcano of every little co-operative association, they at once irritated the oppressed, and confirmed the multitude in the notion that stronger heads and arms than theirs were needed to preserve society against so ubiquitous an enemy. Every aspect of danger, except the real and pressing one, roused their imaginative terrors. They lived in constant fear of conspiracies, as if it had not passed into a proverb that conspiracies never accomplish any substantive result in France; of the ambition of military leaders, as if it was not plainly written in French history, that, since 1789, with the one great exception, no military man has ever exercised the slightest political influence of himself, or ever controlled for a single day the march of the political machine. But, above all, they wasted their time and their strength, not only in Parliamentary contests, but in mutual hatred and detraction, and the incessant endeavour to pull down and ruin one another. To borrow once more the pen of Mallet, speaking of the men of order of his own time, —

'Cent controverses oiseuses ou insolubles alimentaient journellement l'animosité; des insensés se battaient, ils se battent encore aujourd'hui avec les fers qui les meurtrissent. Jamais on ne pouvait obtenir d'eux la moindre politique; le besoin de la haine semblait les tourmenter; ils se poursuivaient jusque dans les bras de leurs assassins; la mort ni les cachots ne désarmaient leurs inimitiés: chaque section du parti

anathématisait toutes celles qui ne se rencontraient pas sur sa ligne géométrique d'opinions ; au lieu d'ajourner leurs débats, au lieu de s'affermir près du gouffre sur leurs points de coïncidence, elles s'acharnaient à défendre les questions qui les séparaient.' (*Considérations. See Mémoire, vol. i. p. 370.*)

Thus the Party of Order went on, fighting with shadows when they were not engaged in the worse occupation of fighting with each other, until the tide of inevitable ruin had swelled so high that there was scarcely time to do more than note and signalise its close advance, before the waves had swept away the whole of them, with the futile bulwarks they were endeavouring to rear.

It certainly seemed to mere lookers-on, that a single ruler, environed with all the strength of popular, ecclesiastical, and military support, arrayed against enemies so distracted by internal division, and so greatly miscalculating their own influence, had the game sufficiently in his hands to have played it out with ordinary patience and determination. Or, if this were not the case — if, owing to combinations with which we are here imperfectly acquainted, it was impossible for him to break out of the paper labyrinth with which the constitution had surrounded him without a stroke of illegal force, it seemed that never was there an occasion on which the decisive blow might have been struck with a smaller amount of violence, and the unavoidable exhibition of brutal force more easily softened and redeemed by concession and conciliation. But violence begets violence, and one daring act of arbitrary power engenders a succession of similar violations of right. Perhaps, too, we are to recognise here another instance of the operation of that law by which the Revolution punishes itself, and must acknowledge that the inveterate habit of decrying all authority, and exalting conscience — that is, self-will — above law, has mainly produced the cynical disregard shown in this instance even of the wretched decencies of usurpation. Certain it is, at all events, that history, rich as it is in similar examples, can hardly show a more startling succession of blows, not directed only at the ephemeral institutions which subsisted in France, but against those few principles of right and order which had enabled society to live through so many turbulent years — not against enemies in actual conflict, but prostrate and reeling in impotence under the recent infliction. Even those who were best prepared for a change so long predicted, stood aghast at its accompaniments — at the absolute silence imposed on free discussion, the banishments and proscriptions, the invasion of social and domestic peace, the daringly obtruded substitution of the indi-

vidual will of the master for every other recognised source of authority.

On the character and prospects of the present government of France we have touched elsewhere in our present Number, and intimated our expectation that its excesses are of a kind to alarm and alienate the community; and that the French army is not likely to continue Buonapartist long after the body of the French people shall have ceased to be so. We leave for the present this ominous subject, and have neither space nor inclination to speculate on further results, either as to the present dangers to ourselves which these French movements assuredly involve, or as to the destiny of that great country itself. Like the lady who declined an introduction to Cagliostro, '*nous ne désirons pas connaître l'avenir; il ressemble trop au passé.*' It must be remembered that recent occurrences have only shown how general certain sentiments are in the nation—not how deep or durable. That remains to be proved. There is indeed nothing that we know of in the state of modern society—nothing in the progress of civilisation—to prevent the continuance of one of those periods of Cæsarism prophesied by M. Romieu, who has had the pleasure of hastening the fulfilment of his prophecy to the best of his power—a period during which the government of the country might possibly pass, for years or generations to come, from one successful master of the army to another. But assuredly those who see more favourable signs in the firmament are not without some justification for their hopes. Thus much is certain, that revolution has reached its last ordinary phase; and that substantial freedom and sound institutions have always arisen, so far as history shows, from the partial decay or beating down of despotism—never from the consolidation of anarchy. Whatever be the merits of democracy in itself, it never yet ripened into any thing better than or different from itself. Its end has been uniformly by violence. Constitutional government has grown only by the gradual curtailment of despotic, never of popular power. And to that *formula* we are still old-fashioned and uninventive enough to look as the best calculated for modern European requirements. Except for those who are juvenile enough to indulge in Icarian speculations, the dull old science of politics can only ring its well-known changes on the established forms of government which have alternately prevailed since the world began. These are but instruments; yet instruments of different degrees of force and aptitude for their work; and it is not because feeble or impatient hands have repeatedly thrown away the best of



them, that we should believe it to have lost its virtues, or society to have become ill adapted for using it.

But for those who have been the chief subject of these pages — the literary politicians and philosophers of France, the chiefs of the press — if they have been somewhat rudely awakened from that dream of playing the highest part in political life, in which they indulged with more or less of reason for thirty years, we doubt whether, substantially, this last change of all has reduced their actual influence on affairs much lower than before. If they are objects of jealousy and suspicion to the present Government, it cannot be said that their sentiments were in real unison with those of the nation before that Government was established, or that they substantially guided it during the last three years of anarchy. The people will not see with their eyes, or judge of the condition of things by their judgment. In their present humour, the masses are not to be moved by the supposed loss of rights and institutions — institutions which they treated only with contempt, rights which, as regards the educated classes, had already been curtailed to the narrowest limits under the Republic, and the loss of which was not felt by the provincial multitude at all. Alas! those political idolatries, which in peaceful times we are apt to think the strongest, will scarcely hold firm against the most temporary pressure of actual fear. Ask the peaceable inhabitant of the North of Ireland what he thinks, just now, of trial by jury and the uncontrolled liberty of the press. The more reason why those who are as yet unaffected by such panic, should cling to them with jealous and reverential affection. But to the French in general, what is it to be told that freedom of thought is proscribed, and genius silenced? To freedom of thought they ascribe, in their present mood, the daily insecurity which besets social life with terrors: and when the national genius is represented, as in popular parlance it is, by the names of Hugo, Sue, George Sand, and the like, it cannot be denied that if the silencing them be a sin, their silence at least would be regarded as a blessing by most men of sound taste and uncorrupted moral sense.

And as to the present exclusion of men of the higher intellectual class from political power, it must not be forgotten that their apparent importance under the late Republic was illusory. If the dream of 1848 had been possible to be realised in France, universal suffrage would soon have shown itself no less jealous of their authority than military sway may be. The ostracism of the populace is no less steadily enforced than that of the most suspicious despotism against pre-eminent genius and ability

of this class. Men, says Chamfort, are like the fiends of Milton, — they must make themselves dwarfs, before they can enter into the Pandemonium of political life in a republic. Even in America it is notorious that men of this stamp are all but systematically excluded from high public office, or that, at best, she recognises only a single Webster among a wilderness of Jacksons and Harrisons, Taylors and Scotts. And they must learn perforce, painful as the truth may be, that commanding talents, especially of their order, are not really in request, or needed, for the ordinary work either of democracy or autocracy. The American Union does not the less advance in its unparalleled career of success and prosperity, although its most eloquent, most accomplished, and noblest spirits remain at home, chafing impotently under the spell which bars their access to the place which they claim as the leaders of men. Their only substantial prospect of political importance is under a mixed Government; where room is left, even by the mutual opposition of the powerful ranks and classes, for those connected with neither to make way to eminence. And whatever may be the causes, yet unrevealed, which are destined to break up the present machine of French Government, it is not likely that the mere disaffection, or indignation, of the literary class will substantively conduce to it. Their pens will be ready enough, when the time comes, to pour bitterness into the wounds of defeat, and add vigour to the spirit of reaction; but they cannot render themselves necessary to the country; they will not of themselves disarm the hand which holds the sword, or turn back the current of the popular will.

ART. VIII. — *Roebuck's History of the Whig Party of 1830.*

8vo. London: 1852.

THE literary pursuits of authors, the literary tastes of the public, are very far indeed from following any invariable law. On the contrary, from time to time, they suddenly change their course. One channel becomes choked up with sand and mud. A dry ravine is filled with running waters. Valleys are converted into lakes, lakes into valleys. Of these changes we have seen remarkable instances in our own times. The days of Rogers, Moore, Byron, Crabbe, Campbell, Coleridge, Wordsworth, Scott, Southey, Keats, and Shelley, seemed to strew the surface of the earth with flowers. The broad lands of England, Scotland, and Ireland appeared to be laid down in one universal garden. Alas! but one of this brilliant group

now survives. Around his venerable old age the sympathies of his friends and the respect and gratitude of the public cling, in admiration of those exquisite verses, and the scarcely less exquisite conversation, which contributed so greatly to refine our taste. It would, indeed, have been extraordinary if the poet of Memory should not live in our recollections; and although his great literary friends and associates are no more, Rogers may still feel confident that, among those who enjoyed his society, as well as among the wider circle to whom his poetry has become dear and familiar, as household words, there exists, and must continue to exist, a lasting sense of his varied accomplishments, and an earnest desire for his happiness. But though poets of considerable power still flourish amongst us, we fear that the enthusiastic love of Poetry has declined. Literature abhors a void, and in our later days our library tables are piled with works of a very different description. We witnessed a large development of metaphysical philosophy, partly home grown, under the safe guidance of Dugald Stewart, Reid, Sir W. Hamilton, and others. We have since had an importation of foreign goods from the transcendentalism of modern Germany. A heavy *landslip* has filled up our collections with weighty specimens of political economy; and, within the last twenty years, the writings of the Fathers of the Church have been recalled to life; Augustine, Chrysostom, and Cyprian lie on toilette tables and in boudoirs, where, in the last generation, a treatise 'de habitu Virginum' would have been of a very different kind.

History is of all branches of literature that which has of late years most usefully advanced; improving in character, both abroad and at home, as it has extended. Hallam and Macaulay may be taken to represent the sculpture and the painting of history; each admirable, though contrasted; the one having the force, truth, and gravity of the *Pensiero* of Michael Angelo; the other the fertility, beauty of design, and brilliancy of Tintoret and Titian. Grote spreads out his volumes like a newly disinterred Athenian relievo. Bishop Thirlwall and Merivale afford evidence how scholars can unite high professional pursuits with the investigation of early history. We lament over Arnold, too soon lost, and too slowly known and appreciated. The professor's chair at Oxford could never have been more worthily filled. His services to the young at Rugby, his earnest piety, his comprehensive toleration, his undaunted public spirit, would all have received fresh illustration had his career in the university he so affectionately loved been prolonged for the benefit of his fellow men. May the labours of his brother

professor at Cambridge (Sir James Stephen) he happily continued. Of these we have already been allowed to gather the first fruits. To men who remember his excellent predecessor, William Smyth, it is delightful to think that his chair is now filled by one who, having the same high principles, the same earnest convictions, the same genial and benevolent love for his fellow men, combines with these gifts, industry inexhaustible, a wider philosophy, and a more extended experience.

Among the many paths of historical pursuit there is none more exposed to difficulty and temptation than that of contemporary narrative. It is far, indeed, from uniformly true that we see most accurately the objects which are nearest. The very contrary is often the case. We see but a part, and we see that part distorted. Time is, in many instances, a most powerful agent in discriminating truth from falsehood. It acts like those filtering cisterns which render our streams purer in their progress than at their source. The contemporary historian, if he has mixed in the events which he records, if he has associated with the statesmen of his time, can hardly free himself from the passions and the prejudices, the partialities and the animosities, which such associations engender. Having acted as a partisan, he can hardly avoid writing as such. There are events which he may know too well, there are others of which he can know but little. Some will be presented to his eye through a discoloured, or a distorting, medium. If the danger to the writer of contemporary history is great, the dangers to posterity may be greater still. If inaccuracies enter into the narrative, posterity will assume that what is not contradicted by living critics and witnesses ought to be received. Thus errors and misstatements are transmitted to future times as materials for history. The exposure of such defects, is a duty not only to the men and to the political parties of our own time, but to those who succeed us. On this account, therefore, it sometimes becomes necessary to notice works which might otherwise be allowed to escape observation.

We took up Mr. Roebuck's 'History of the Whig Ministry of 1830' with curiosity and interest. We anticipated, and desired his success. He possessed some important qualifications for the task he undertook. He had been for many years engaged in parliamentary life. Gifted with acute powers of observation, capable of close reasoning, familiar with general principles, clear, accurate, and idiomatic in his diction, with an intellectual courage scorning all danger, with feelings unbiassed by any very warm sympathies,—with a love of independence, proclaimed somewhat too ostentatiously, he seemed ambitious

to add to our Parliamentary gallery a miniature likeness of himself, in the character of a modern Andrew Marvel. In addition to the advantages we have described, he has also the credit of being the author of one of the best and most useful works on our colonial system, a work which, from its high literary merit, its practical wisdom, and the calm and constitutional spirit in which it is written, is deserving of more notice than it has as yet received.

With these very great advantages Mr. Roebuck has unfortunately combined habits of action and modes of thinking which greatly impair his usefulness, both as a speaker and a writer. We presume that it must be with a view of displaying his perfect impartiality, that he has used the privilege of judging all men, and all parties, with indiscriminating severity and injustice. Plaintiff or prosecutor, he claims to appear also as witness, juror, and judge; he accuses, tries, condemns, and executes. It is in this last function that he manifestly delights. As the late Richard Shiel said of Mr. Disraeli, he resembles a young surgeon in a school of anatomy, who is nothing without a human body exposed for his dissecting knife. To him all wells seem poisoned; all fruits without a ripened and a sunny side. He prefers a search for the 'adder's fork and tongue of dog,' and the other defiling elements of the witches' cauldron, to the task of wreathing the gathered sweets of Enna and of Pæstum. We cannot say, '*surgit amari aliquid in ipsis floribus*,' for, alas! the bitter is abundant, and the flowers few! He wanders from Dan to Beersheba, and finds all worse than barren. Where any public act is open to animadversion, he stigmatises it as a wilful crime. Where it has been productive of undeniable good, he attributes it to motives low and selfish. Nothing is allowed to escape 'his slashing hook.' We remember one of the '*unco guid*,' who seeing a group of beautiful children playing among flowers, hardly sweeter or brighter than themselves, described them as 'bubbling fountains of iniquity.' So it is unfortunately with Mr. Roebuck. Placed as a modern Simon, on the top of the Monument, we doubt whether he would not consider the tide of human life which flowed beneath him rather as candidates for the gaol or the hulks, than as the active, industrious, public-spirited, and home-loving people of England.

Yet, with all this, we are less inclined to consider Mr. Roebuck as 'an ill-natured man,' than as being possessed by a most 'ill-natured muse.' His mission would seem to be, by his own choice, that of a general doomsman, sent forth to punish. This he does unflinchingly, and in most cases, with equal readiness, on all whom he summons before him. In the voluntary

enforcement of his own criminal law, within the walls of Parliament, this apparent impartiality adds greatly to the force and effect of his sentences, and of his punishments. He claims to speak, not only his own opinions, but, somewhat presumptuously, those of the people of England. He assumes as his motto, 'Tu quid ego, et populus mecum desideret, audi,' but he neither refers to authority, nor produces his commission.

We have often marvelled, and been amused in witnessing enthusiastic Tory cheers excited by a bitter attack on the Whigs, subside at once into angry silence, when the Minié rifle of this expert marksman was suddenly shifted, and directed with deadly aim, against the Protectionist ranks. These manœuvres, however, are not works of wisdom, but political *tours de force*. They have destroyed the usefulness of one capable, and, we believe, willing, to render efficient services to his country. They deprive him of the sympathy of his fellow men, except of that class who rejoice in the sufferings of others. We regret this result for the sake of the public; we regret it for the sake of Mr. Roebuck himself.

We should not have hazarded these accusations lightly; but their justice is forced upon us by a careful perusal of the volumes before us. We are compelled to dwell upon them, because, if substantiated, it must be evident how utterly unfitted is Mr. Roebuck's mind for the performance of the duty of a just and accurate historian. The line which he has chalked out, is certainly not the line of grace; and we venture to suggest to him that Vandyke did not draw 'with a pencil of gall, on a tablet of stone;' nor confine his studies from nature to the morbid anatomy of the College of Surgeons.

We shall first illustrate our observations by a reference to Mr. Roebuck's character of King William the Fourth. He describes him as being 'very weak and very false, his capacity notoriously contemptible;' and as exhibiting 'the trained artifice of a mean spirit.' (Vol. i. p. 9.)

On the recal of Lord Grey's Government in 1831, he observes, 'The Ministry were forced upon the King, much against his inclination; he was glad of every defeat they encountered, and impatiently awaited an opportunity which might permit him to evince his dislike. He was, though a weak man, yet a very finished dissembler, and succeeded in making some, at least, of his ministers believe that they enjoyed his personal favour, when they were the objects of his most inveterate hate.' Mr. Roebuck suggests, that the secret history of the period is to be found in the letters of the ministers of the day, and their correspondence with the King. Mr. Roebuck seeks

to obtain further credit by stating that 'The documents *he had seen* which relate more immediately to the King, were for the most part letters written by his command, and at his dictation; and that he has *compared* letters written at different periods and under very different states of mind.' What authority Mr. Roebuck possesses, and how he can have obtained access to confidential documents which could scarcely have been divulged at present without impropriety, he does not condescend to explain; but in the conclusion he comes to, he is contradicted, as he himself admits, by Lord Brougham, to whom the contents of these documents cannot fail to be known. Yet we are called upon to believe the calumny on the authority of one ill-informed of the facts, and in opposition to the direct testimony of a principal actor. Even if the historian and the Chancellor of William the Fourth had equal access to these papers, we find them adopt conclusions utterly contradictory; for 'Lord Brougham,' observes Mr. Roebuck, 'is accustomed to describe William the Fourth as frank, just, and straight-forward.' We cannot doubt that the public will prefer the evidence of the Minister of the Sovereign, to the very ungenerous imputations of the philosopher of Sheffield. Diogenes was like Mr. Roebuck, an acute, though as we suspect, not a very popular philosopher; but, however well acquainted with the topography of his tub, he was not on that account likely to be a good chronicler of the Court of Alexander.

He proceeds to apply the judgment thus formed to the historical facts of the time. He states (vol. ii. p. 27.) that, 'from the commencement, the King looked with great dislike upon the mere proposal of bringing in the Reform Bill. He considered the measure a most dangerous, and far too extensive a change; and nothing but terror of the probable consequence of such a proceeding prevented him putting an end at once to the whole scheme by dismissing the Whig Ministry.' It would require all Mr. Roebuck's ingenuity to reconcile this statement with facts which he himself does not venture to conceal or to question. The King willingly accepted the basis offered by Lord Grey, on the formation of his Government, of which the corner-stone was Reform. He acquiesced in the dissolution which submitted the Reform Bill as the distinct issue to be tried by the people of England. It may here be remarked that the Bill itself was submitted to the constituencies, as it had been already to Parliament. Lord Grey did not seek to veil his intentions in any abstract declarations. Had he done so, how his political opponents would have taunted him; and justly too. Upon the resignation of Lord Grey's Government after the success of Lord Lyndhurst's amendment, the King stipulated

with his expectant Cabinet, that the measure of Reform should be carried. 'The King,' said the Duke of Wellington, 'insisted 'that some extensive system of Reform (I use his Majesty's 'own words) should be passed.' The late Lord Ashburton admitted (vol. ii. p. 315.) that 'to recommend the King not to 'pass a Reform Bill would be advice of the most pernicious 'kind; and the individual who gave it would be justly exposed 'to the reprobation of the House and of the Country.' Nor let it be imagined that this pledge was intended to have been redeemed by some trivial or inadequate measure; on the contrary, Lord Ellenborough in the moment of indiscreet triumph expressed, with imprudent frankness, that it would be the desire of his friends to outbid the Whigs in the popularity market; to extend the basis of the constituency, and to maintain household suffrage. We shall hereafter show how this stipulation on the part of the King led to the refusal of Sir Robert Peel and his political friends to join the proposed Government. This, and the general disgust expressed in the House of Commons, strangled the embryo Cabinet in its birth. It was thus that the firmness and resolution of William the Fourth, led to the restoration of Lord Grey's Government, and to the success of the Reform Bill in the hands of its framers. A result directly contrary to Mr. Roebuck's insinuation. He is driven to admit the main fact, though reluctantly and uncandidly. 'The King,' he observes, 'now that by the second reading of the Bill, the Lords 'had sanctioned the principle of the measure, considered himself 'bound in honour to effect some change in the representative 'system.' (Vol. ii. p. 302.) He also admits the ready acquiescence of the Duke of Wellington in this principle, when the King proposed to him the acceptance of office on the condition of carrying a measure of Reform.

We are far from suggesting that the late King was a distinguished or consistent man. He had been ill-educated, and was ill-informed; but he was frank and honest, simple-hearted, and faithful to early friendships. Neither will the people of England readily forget, with what earnestness he adhered to a strict economy, avoiding all debt, or the imposition of increased burdens upon his people. We have reason to know how cheerfully he laid aside even his most favourite projects when informed that they would render necessary an application for new Parliamentary grants. He felt that he had been justly and liberally dealt with by the House of Commons, and he recognised this fact in all his actions. When Buckingham Palace was completed, he expressed the utmost disinclination to occupy it. 'It will require an enlarged establishment, it will entail upon me



‘increased expense; I have never applied to Parliament for new grants, and I am determined that my Ministers shall not have ‘to do so.’ Such were his simple words. Viewing his character as a whole, we have no hesitation in saying, that it was most peculiarly fitted for the crisis in which he lived. Had any one of the four preceding Sovereigns been on the throne in 1830, we doubt whether the public tranquillity would have been maintained, or the Constitution of England saved.

We may be permitted here to insert an anecdote, for the truth of which we can vouch, and which is illustrative of the character of the late King. The House of Commons was called upon to provide funds for erecting a military chapel, in the neighbourhood of a great barrack. In recommendation of this vote, it had been urged by the Government that the same accommodation would serve not only for the troops, but also for the poor of the vicinage. The vote was passed. When the chapel was completed, the spirit of military martinetism interposed. Applications were made to His Majesty to reserve the use of the chapel exclusively for the military. At first, the King agreed with the military objection. He was assured that discipline would be endangered if the proposed arrangement were carried into effect. The diocesan, who had recommended the arrangement, was appealed to, and yielded to the supposed wish of the Sovereign. But, when the facts were fully laid before the King, he cheerfully and unhesitatingly reversed his first decision, and approved of his Ministers for their strict adherence to their Parliamentary declaration, as well as to their sense of duty. He kept faith with his people, and provided a place of worship for the poor.

The tomb is no sufficient protection against Mr. Roebuck's aspersions. Of Sir Robert Peel, he states, that in opposing the enfranchisement of Manchester, Leeds, and Birmingham, in February, 1830, he acted ‘with that fatal perversity which ‘marked his whole political career.’ He continues his censure in words possibly suggested by Mr. Roebuck's personal self-knowledge. He informs us that there ‘seemed to be something morbid in Peel's temperament, some strange twist or ‘peculiarity which enabled him to derive pleasure from the ‘contemplation of a dogged resistance.’ (Vol. i. p. 223.) In the same debate he characterises Peel's closing observations as ‘an instance of that ostentatious dexterity, that transparent ‘artifice for which the right honourable gentleman has gained ‘an unenviable renown. No one is easily persuaded or misled ‘by it, but it alarms the prudent and offends the honest.’ Mr. Huskisson he describes as giving advice ‘worthy of a crafty

'official.' (Vol. i. p. 214.) To Burke, Sheridan, Tierney, and Romilly, he applies the term of 'the intellectual Condottieri of the Cavendishes, Howards, and Fitzwilliams.' Does Mr. Roebuck remember that the Condottieri of Italy were mercenaries who served for pay with equal willingness on either side of a question, and does he mean to apply this stigma to the great men whom he has presumed to calumniate? Many years have not elapsed since we heard with regret, and not without some indignation, the reproaches directed against Mr. Roebuck himself as paid agent to the Canadian House of Assembly. But after the attacks which he makes upon others, it goes far to prove that we were wrong when we contended on his behalf. (Vol. i. p. 226.)

On an occasion when Lord John Russell met an imputation of partiality and unfairness with an unqualified and indignant denial, the mode in which the fact is recorded by our calm and judicious historian is as follows:—'This insolent mode of getting rid of the objection, was perhaps the best; it was short and required only, on the part of him who adopted it, a bold face and a saucy tongue.' The parliamentary character of Lord John Russell is described subsequently more fully, but with no greater truth. If our readers have failed to discover a resemblance in the miniature, they will hardly find it in the full-length portrait. 'He has no pretensions to the rank of an orator: without originality, unaided by force or brilliancy, mediocrity is the best word to describe his intellect.' (Vol. i. p. 242.) To Lord Althorp, in whose integrity and honour the people of England placed a well deserved reliance, he attributes an '*unworthy artifice*' introduced into his financial statement for the purpose of deceiving the House of Commons. (Vol. ii. p. 398.) After exempting Lords Grey, Brougham, Palmerston, and Sir James Graham from this censure, he describes their colleagues, including Lords Lansdowne, Althorp, Melbourne, Holland, and Glenelg, as 'persons of very narrow ability, of small reputation for talent, and without influence with the people on the ground of capacity, or earnest popular leaning.' With respect to the first named of these noblemen, the fittest reply to Mr. Roebuck is the eulogium so gracefully pronounced by the head of the present Government, in which Lord Lansdowne's public services and private worth are eloquently acknowledged, and where his whole life, public and private, without reproach, or blot, is held up not only to the admiration, but as an example to that house of which he had been for half a century the pride and ornament.

He approaches the character of Lord Grey with somewhat more of hesitation and reserve. But still in the words of the

Italian proverb, — ‘la volpe perde il pelo ma non il vizio,’ — he ventures a sneer pointed even against that great man.

This proof of hardihood is daringly given in relation to Reform; the subject to which Lord Grey had devoted the resolute spirit of his youth, and the energetic wisdom of his later years. We quote Mr. Roebuck: ‘That Reform,’ he observes, ‘which was to be the great measure of Lord Grey’s policy, and ministerial victory, he mentioned in his speech in October, 1830, in a slight and slighting manner. It was quickly dismissed as one of the common places of opposition rhetoric; obliged to be used as a sort of decoration in an opposition speech, but about which no one was solicitous because no one believed it important to party success.’ (Vol. i. p. 368.) It is thus that he deals with the great father of the Reform Bill. If any answer is required, which we doubt, the best that can be given is in the short but expressive declaration of Lord Grey, ‘What I have professed in opposition, in office I mean to perform.’ Never was an engagement more nobly fulfilled. We refresh our readers, and ourselves, with the following picturesque, but most accurate description of Lord Grey’s defence of his great measure. We can ourselves vouch for its perfect fidelity. It is written with all the eloquent sensibility of a woman, combined with the truth of an eye-witness. ‘His conscience calm and clear, his judgment settled, his knowledge and his powers concentrated in his measure, he could maintain his stand above the passions that were agitating other men. And he did maintain it through all the personal fatigues and personal weariness of months. Through the vacillation of the King above him, and the raging of the Peers around him, and the surging of the mob far below him, for which he was made responsible, he preserved an unbroken, yet a genial calmness, which made observers feel, and say, that among the various causes of emotion of the time, they knew nothing so moving as the greatness of Lord Grey.’ (*Harriet Martineau’s History of Thirty Years’ Peace*, vol. ii. p. 43.)

Though Mr. Roebuck professes strong friendship for Lord Brougham, and claims his authority in a manner, we suspect, somewhat too general, for we observe it has required a subsequent apologetic explanation, his habits of cynical censure are so strongly fused into his intellectual nature, that he is unable, even in this case, to abstain. He does not scruple to attribute to his friend direct insincerity and artifice, practised in fraud of the House of Commons, by simulating a desire to bring forward his motion on Reform, when resolved not to do so. Pressed for a postponement of his motion by Lord Althorp, Mr. Roebuck

quotes Mr. Brougham as replying, 'that postponement would be contrary to his wishes, and feelings, and that he could only do so in deference to the wishes of the House.' The historian proceeds thus:— 'Mr. Brougham appeared to be, what is vulgarly called, beating about the bush. If he meant the House to believe that he, if permitted, intended to proceed, the whole speech was an artifice; *as it is certain that he entered the House with a fixed determination not to proceed.*' (Vol. i. p. 435.) The italics are Mr. Roebuck's. Even the Parliamentary abilities of Lord Brougham are slighted. 'The style of Lord Brougham, though vigorous, and sometimes happy, was too often diffuse, loose, and cumbrous, and always wanting in the exquisite accuracy and simplicity of Lord Lyndhurst.' (Vol. ii. p. 214.) We place this in the same category with the late criticism by Sir Robert Heron, and the information he gives us, that Mr. Brougham was objected to as leader of the Whig party from 'his want of readiness in debate!' In another case he brings a more serious accusation against Lord Brougham. He asserts, 'that Lord Brougham had said in the Lords that in some particulars the Reform Bill went farther than he approved, though he had permitted Lord Grey to state that the Bill had the unanimous consent of the Cabinet.'

This mode of dealing with the character of others, and some among them the wisest, greatest, and the best, would, in another, be termed by Mr. Roebuck flippant and arrogant injustice. As might be expected, he extends its application to whole classes, and sometimes, ingeniously enough, contrives to wrest the authority of others, to give weight to his own bitter remarks. Thus he ingrafts on a speech of the Duke of Wellington the following observation:— 'The Duke of Wellington has had great experience of kings; and by his speech on the death of George IV., he shows that he has a mean opinion of their courtesy and their intellect.' In like manner he disposes of the House of Commons, to which Mr. Brougham had been just returned as Member for Yorkshire:— 'Of the character of the House, Mr. Brougham had a very contemptuous opinion, and openly expressed it— being, indeed, not particularly anxious for it to be held out to the world as much deserving of admiration and respect.' But it is mainly upon the Whigs that Mr. Roebuck pours out the vials of his wrath. Among them, and more especially their leaders, he can find nothing that is right. At the very threshold he commences his attack. He attributes the whole influence possessed by the Whigs over the people of England to the Reform Bill.† This is equally absurd and unjust. It is part of Mr. Roebuck's system to exclude the past, as well as to pervert

the present; and with the future he cares not to meddle. The power of the Whigs depended upon causes long antecedent to our times. They had been from the days of the struggles with the Stuarts, the real depositories of popular right and of constitutional freedom. The spirit of the old Puritans, tempered and adapted to later and better times, and allied with other popular influences, rendered them the heroes of the Revolution, when our parliamentary constitution was completed. By them Marlborough was supported, and the ambition of France resisted and crushed. By them the Hanoverian succession was established and maintained. By them the liberties of England were defended against the Jacobite Confederation of the Universities, the Church, and the country gentlemen. By them the advancement of the commercial bodies and the middle classes was promoted. Neither was it till all danger of a disputed succession had passed away, that the Whigs were discarded by the Crown, though left to be the guardians of British liberty. In the reign of George III., their exertions were still devoted to national purposes. The rights of our American colonies found among their ranks eloquent advocates. By them were the great doctrines of religious toleration propounded and defended. When the outburst of French Jacobinism converted our foreign policy into a question of misdirected sympathy, and of exaggerated alarm, rather than of wisdom and of justice, Mr. Fox, with a lessened, but not disheartened body of friends, still maintained the sacred doctrine of the independence of nations within their own limits, and the right of each to select its own form of government, and to remodel its own institutions. When the liberty of the press was invaded, and when, by Mr. Pitt's prosecutions for high treason, personal liberty was rendered insecure, Mr. Fox in Parliament, and Mr. Erskine in Westminster Hall, saved our ancient laws and our free institutions. We have no hesitation in asserting that but for the undaunted courage and spirit of the Whigs, as fatal a change might have been produced in the Constitution of England as ever Polignac meditated, or Schwartzemberg achieved. After the union with Ireland, the conduct of the Whig party was equally consistent and honourable. In them the Roman Catholics found advocates, not only zealous and disinterested, but proving the earnestness of their convictions by their great and voluntary sacrifices. The rewards of ambition were more than once within their reach, and were rejected. The cause of truth and of religious liberty was preferred to the blandishments of the Court and to the possession of power. Nor let it be suggested that, in this catalogue of noble services, we are to attribute any

one event to a desire of courting popular favour and of obtaining the applause of the multitude. The contrary was the case. Shippen and Wyndham were popular leaders in their day. It was long before the House of Hanover struck root in the affections of the English people; the traders and Protestant Dissenters were somewhat despised, as the old Puritans had been by the Nobles and the Cavaliers; for a time the American war was backed by the ignorance and self-love of the people; the cry of anti-Jacobinism was so popular, and the alarm against French revolutionary principles so strong, that not only did it pervade the whole of the Tory party, but it produced a secession even from the Whig ranks. To maintain in 1792 the doctrines which led the Duke of Wellington, in 1830, frankly to recognise the Government of Louis Philippe, which left the far less justifiable revolution of 1848 undisturbed, and which have produced our contemptuous neutrality in the later struggles, was, in the days of our fathers, to expose men to loss of popularity, loss of political influence, forfeiture of power, to social isolation, and to the chance of a prosecution at the suit of the Attorney-General. An advocacy of the claims of the Roman Catholics lost many a seat in Parliament, and could rarely gain a vote. Such are among the antecedents of the Whig party, which Mr. Roebuck will not condescend to notice, and which constituted the real pedestal upon which their power and their glory rested. We have given shortly the honourable pedigree of the Whigs. To all this Mr. Roebuck and a few of his friends, choose to be blind, or affect to be indifferent. They do not know how deeply seated in the English mind are the traditions of the past,—in

‘A land of settled government;  
A land of just and old renown;  
Where freedom broadens slowly down  
From precedent to precedent.’

Mr. Roebuck ought to have learned that grateful feelings, and wide-spreading associations, cannot be created as simply, and rapidly as his Sheffield constituents can grind and multiply knives and razors.

We now proceed to offer a few examples of the justice and impartiality with which Mr. Roebuck describes the conduct of the Whigs as a party. ‘If they are liberal sometimes in ‘opinion,’ he observes, ‘it is because it so suits their party purposes; if they adopt a new idea, it is for the same immediate end.’ Here we perceive that the merits of the action are not denied, but that base motives are suggested, contrary to the facts on which we have rested our last argument. We have shown that measures of the most salutary reform have been, in

too many cases, the least popular, and therefore could not be undertaken for selfish party purposes. When Lord John Russell achieved one of his most signal triumphs, and compelled an unwilling Government to join in repealing the Test and Corporation Acts, Mr. Roebuck thus accounts for the honourable struggle of the Whigs:—‘The Opposition took up the question gladly, since it gave them the means of annoying an administration deemed peculiarly entrusted with the mission of protecting the Church.’ (Vol. i. p. 67.)

On the accession of William IV., in the financial arrangements recommended for the new monarch, the historian imputes to the Whigs a desire to flatter and truckle to the Crown. This will not lightly be believed when it is remembered that the party battle-field, selected by the Opposition, was the Civil List of the Sovereign. But he prefers a more special bill of indictment on this imputed delinquency:—‘The Whigs,’ he observes, ‘feared and contemned the people; and amidst the most vehement assaults on the objects of Royal favour, they watched and seized every opportunity, by force or artifice, to win their way to power.’ (Vol. ii. p. 109.) ‘On the Catholic Claims, they did not quarrel with George III. because his bigotry was mischievous, but because it wounded their self-love. The great Whig leaders were all ready to forego pressing the Catholic Claims, provided they could save their own self-love from harm.’ (P. 110.)

We are called upon to dispose of the charge repeated, though not invented, by Mr. Roebuck, of the sacrifice of Emancipation, of the Cause of the Dissenters, and of Parliamentary Reform, supposed to be made by that section of the Whigs who joined Mr. Canning. In the first place, it should be remembered that the accession to power of this great man was objected to by his Protestant colleagues on the ground of the inevitable strength which his promotion must give to the cause of Emancipation. In this hypothesis the Tories were right. The appointment as first Minister of an advocate of their claims, second only to Lord Plunket in the power of his eloquence, could not fail to add to the moral and political strength of the Roman Catholics. But it was stated at the time, and we believe was stated truly, that George the Fourth was still unprepared to withdraw his dogged resistance to the fulfilment of Mr. Pitt's Union engagements. Here we must inquire what had been the progress of Mr. Canning's influence with the King on other questions, and what were the reasonable expectations which he and his colleagues were entitled to form in respect to the King's future concessions and conduct? On Canning's appointment to

the Foreign Office, it is notorious that he was an object of mistrust and jealousy to his Sovereign. His glorious foreign policy was received with suspicion, yet how soon did his powers of persuasion, and the unrivalled grace and attractions of his mind, overcome these difficulties. Before his lamented death, the King was not only reconciled to his Secretary of State, but he adopted his policy. He made it essentially his own. He considered himself to be as intimately united to the foreign negotiations of his time, and their success, as with the charge of the Scotch Greys at Waterloo. We believe that had Mr. Canning's life been continued, a similar triumph would have attended the Catholic question. Sure we are, that had a contrary result been foreseen, the coalition between the Whigs and Mr. Canning would never have taken place. In respect to Reform, Mr. Roebuck advisedly omits all mention of the explanation given by Lord John Russell. In declaring that it was not his intention at that period to bring forward the question, he avowed his motive. During several preceding years, not one single petition had been presented to Parliament in favour of Reform. Lord John Russell judged wisely that the agitation of the question by an independent member (for he had not then taken office), with a Government adverse and a people indifferent, would be calculated to retard, rather than to promote, success. On these grounds, he postponed the question. With respect to the Relief of the Dissenters, on a subsequent occasion, Mr. Huskisson made a just statement of great importance. Though favourable to that measure, on principle, he felt reluctant that it should be carried independently, and before the Catholic claims. He felt an apprehension which later events have but too fully justified—that otherwise Roman Catholic Emancipation would lose supporters, and might possibly have to struggle with new opponents. It has been among some classes of Protestant Dissenters, that the settlement of many questions, important to religious equality in Ireland, has found its sternest and most unbending adversaries. On the outcry against the Endowment of Maynooth, and the Endowment of the Roman Catholic Clergy, the burst of intolerant, if not intolerable bigotry, during the last Session, has exploded in no quarter with greater violence, than among certain classes accustomed to inscribe Civil and Religious Liberty upon their banners. The postponement, or the suspension, of these measures on the accession of Canning to power, was no sacrifice of principle. Who, let us ask, complained that Lord Lansdowne and his friends joined the administration, and saved the country from what Lord Althorp described as 'Toryism in its worst shape?' Was it the Roman Catholic party



of Ireland? No such thing. Was it the Protestant Dissenters of England? They were silent. Was it the English Reformers? They, who had not presented one single petition to Parliament, made no sign. But many of the most deadly enemies to the cause of Roman Catholics and Protestant Dissenters, together with all the Tory anti-reformers were the men who declaimed most loudly against this short-lived coalition. This appears to us to dispose of an accusation, which it has well suited Mr. Roebuck's genius to have revived.

If the Whig Party was such as we have described it, it may fairly be asked, how then can we account for its weakness and its ultimate fall, both under Lord Melbourne, and Lord John Russell? This subject involves general principles so important as to deserve a separate consideration. To answer the question we have put, it is indispensable to revert to earlier times. The progress of the Catholic question, more especially after the accession of Canning to office, and the appointment of Lord Wellesley and Mr. Plunket to Ireland, led to a new and anomalous state of parties. Within the Cabinet itself there were acknowledged to exist able representatives of antagonistic opinions, on a subject of the most vital consequence. Even if this had not produced disunion within the Government, it was impossible that disunion should not be suspected. It was not seemly that one Secretary of State should reply to another, should expose the fallacies of his reasoning, and denounce the dangers consequent upon his counsels. The publication of Lord Eldon's correspondence has drawn aside the veil, and exhibited the suspicion and animosity which existed on both sides. The Opposition soon learned to recognise in Canning, Huskisson, Dudley, and the Grants, the associates of their acknowledged leaders. The liberal members of the Cabinet, in their turn, rested on Whig support. This association was, we believe, formed upon honourable grounds on both sides. On all commercial and on many financial questions there existed an identity of opinion. The *idem sentire de republicâ* was infinitely more true between Lord Lansdowne and Canning, than it could be between the latter and Lord Eldon. During the closing years of Lord Liverpool's Ministry, His Majesty's opposition, as it was called, enabled Mr. Huskisson to commence and to prosecute that brilliant economical career, finally wrought out to its completion by Sir Robert Peel in 1846. The more effective was this support of the Whigs, the greater the animosity of the old Tories to the liberal section of the Cabinet which accepted it, and to the party by whom it was generously given. The enthusiastic reception of Canning's speech upon Portugal by the Opposition, inflamed almost to mad-

ness the passions of the Tory party. They considered the cheers which rang round the House as proofs of the Jacobinism of the Foreign Secretary, and of the calculating selfishness of the Opposition. They stigmatised the Foreign Secretary as a Democrat, and the Whigs as a gang of sordid place-hunters. This feeling was reciprocal on the part of Canning's friends. *Haud Torior alter* was a term of reproach applied by the wit of Lord Dudley to the man he most despised. Three parties were thus formed. The Government, weak within itself, retained but a reluctant support among its own adherents, and accepted a somewhat ostentatious protection from its nominal opponents. Canning's coalition with the Whigs, and the secession of Peel and the Tory leaders completed the process. The resignation or dismissal of Mr. Huskisson and his friends by the Duke of Wellington, created an additional party in the House of Commons, or rather it avowedly severed the ministerial battalion under distinct leaders. The success of the Catholic Question in 1829, finally broke up the Tory party, and cut the House of Commons into four distinct sections. The result is described by a high authority in the following words:—‘The imbecility of the Duke of Wellington's Government during the Session of 1830, would have been ludicrous if lesser interests than those of a nation had been at stake. Never knowing on what resistance to reckon, nor on what support to depend, they took the chance of the House from night to night, and ventured upon no measure of importance in the utter uncertainty of carrying any.’ (*Quarterly Review*. Jan. 1831.)

Shortly before this period another sectional subdivision had taken place among the Whigs. A class, unimportant at the first, headed by Sir Francis Burdett and Sir Robert Wilson, gradually increased in numbers. They professed but a doubtful allegiance to their natural leaders, and acknowledged some scepticism with respect to their traditional faith. The extreme bitterness of political rancour was, however, chiefly manifested by the old Protestant party, who vented on Peel the reproach of *iusquam tuta fides*. The momentary combination between discordant elements, placed in opposition to the Government, overthrew the hero of Waterloo. Althorp and Bankes, Brougham and Wetherell, united in the vote. Lord Grey's Government was formed. He did not dissolve the Parliament, though it might have been a party convenience to do so. He laid the Reform Bill before the House and the public, and it was only when deserted by his late Tory allies, that he was compelled to appeal to the judgment of the constituencies. His majority was triumphant, and for the first time, for consider-

ably more than ten years, the House of Commons resumed its ancient discipline,—two great parties contending for the mastery, and obeying their natural leaders. This was the first strong Government which had existed since the enthusiasm produced by the Peace of 1815. But after the success of the Reform Bill, the very strength of that Government constituted its weakness. ‘Lord Grey’s Administration was strong in political character. All its members had not only been liberal, while in opposition, but consistent for a long course of years in contending for the precise objects which they now came into power for the purpose of achieving. They were strong in this popular support from the beginning; this strength went on increasing during the two years occupied in the Reform struggle, and on the meeting of the first Reform Parliament. But it must, as every member of the Government could not but know, end in weakness. The enthusiasm with which Ministers were regarded could not last. From the nature of the human mind it must subside, and when idolatry has once begun to decline, it is certain that the idol will be found but clay.’ (*History of the Thirty Years’ Peace*, p. 37.) New party schisms were the consequence. The Derby Dilly carried off its light load of distinguished inside passengers. The Radicals crystallised into form in another quarter. The reforming Ministers were described as lagging behind the requirements of the age, and the impatience of their late submissive and applauding supporters. Discontent arose, and bitter reproaches were pointed against Lord Grey and Lord Althorp, whose services were undervalued, and who were dealt with as if they had been Tories in disguise. This was most unjust. Mr. Roebuck himself seems to admit even as a professed Radical, that it is neither wise nor practicable on the part of a Minister to satisfy the more extreme portion of his party. He observes: ‘The statesman to be useful must be powerful; and in a Government like ours, and among a practical people like the English, the safest course for a reforming Minister is never to be before his age.’ . . . ‘Let him religiously abstain from appropriating or assenting to any novel conception, until the public thoroughly understands and earnestly adopts it.’ (Vol. i. p. 19.) This, it should be remembered, is the judgment of an ultra-liberal. The weakness of the later Cabinets of Lords Grey and Melbourne was produced by the discontent of popular members, in addition to the perseverance and ability displayed in building up the Conservative party. A change of Administration followed in 1841 brought about by the triumphant majority of ninety-two, which restored

Sir R. Peel to power. Here again, as in the first Reform Parliament, we see a strong Government and a united Opposition. In both instances the consequence was the same; wise laws were carried, and an effective Administration was constituted. This state of things was not permitted to last. The practical wisdom of Sir Robert Peel, and his deep sense of moral responsibility, soon convinced him that he must abandon the standard under which he had assembled his troops, and must change the battle-cry which had cheered them on to victory. He discovered that, whatever was said to the contrary, the safety of England was more important than the good will of the Carlton Club. A new exfoliation of party took place, the Protectionists quitted the Conservative camp. The threshing machine of Lord George Bentinck, and the scarifiers of Mr. Disraeli were called into action. Lord Stanley and Sir James Graham, the Nisus and Euryalus of former contests, were now found on opposite sides; the success of Sir Robert Peel's measures depended exclusively upon the support of those whose government he had overthrown; that support was given, and he triumphed. But ministerial weakness, and unnatural alliances followed. The unnatural combination between Lord John Russell and Lord George Bentinck, united as they were in action, though differing altogether in principle, overthrew the sagacious Minister, who had established, as we believe for ever, the principle of freedom of trade. The Whigs found themselves once more in power; when soon the fractional subdivision of parties recommenced, and the consequent weakness of the Government became but too apparent. The separation between the Government and Lord Palmerston completed the mischief. What was the condition of the House of Commons? Whigs, Radicals, Irish Members, the friends of Peel, the followers of Lord Derby, all formed separate sections, producing a scene of political confusion unequalled save in the camp of Agramante, and ended in the downfall of the late Ministry.

We commend to the attention of those who consider constitutional weakness a disease to which Whig statesmen are alone liable, Lord Dudley's description of Lord Liverpool's Government in 1819:—'The present Government has allowed itself to be dragged through the dirt during the whole Session. For the sake of the Country, as well as for its own, it ought to make some effort to raise itself from the state of discredit and insignificance into which it has fallen, occasioned not so much by great strength, or clear justice on the side of its opponents, as by the wavering conduct of lazy, capricious, and pragmatical friends; and its own want of courage in not proposing the

‘ alternative of a more vigorous administration, or of instant ‘ resignation.’ This judgment of the political critic is confirmed by the testimony of Lord Liverpool himself in a letter to Lord Eldon. ‘ If we cannot carry what we have proposed, it is far ‘ better for the country that we should cease to be the Govern- ‘ ment. After the defeats we have experienced during the last ‘ Session our remaining in office is a positive evil; it confounds ‘ all ideas of government in the mind of man, it disgraces us ‘ personally, and renders us less capable of being of any real ‘ service to the country.’

We have given this sketch of the causes of Parliamentary weakness which have repeatedly occurred under different Cabinets. This weakness has not been confined to any one Prime Minister, or to any one party in the State. It existed before, as well as after, the Reform Bill. It arose from the break up of the old party spirit. It has affected Lord Liverpool, the Duke of Wellington, Lords Grey and Melbourne, Sir Robert Peel, and Lord John Russell. It is traceable to causes unconnected with incapacity on the part of the rulers, and is attributable exclusively to the want of a distinct tie of party connexion, and a recognition of party allegiance. We believe in the benefits and in the necessity of political party, under a constitutional government. ‘ Where party ends, faction is sure ‘ to begin,’ is an observation both old and true. Small knots of independent combatants combine. Though without any bond of common principle, they are thrown, by chance or design, into occasional union. Minister after minister meets his fate by ‘ chance medley’; or the decisions and votes of Parliament are set aside and disregarded by the public.

Such a state of things strikes at all principles of stability and permanence. Under its influence, it is easy to destroy, difficult to construct, impossible to preserve. To this cause, and not to any personal errors or disqualifications of Whig statesmen, we must in justice attribute many of the evils made matter of personal reproach by Mr. Roebuck and other observers of his school, who, like Iago, ‘ are nothing if they are not critical.’ We have lavished much scorn and reproach on the late National Assembly of France, which seemed to delight in rendering all things impossible. Let us review our own proceedings since 1830, and we may perhaps be forced to admit that we ourselves are not altogether free from a similar reproach.

The importance of the question we have here discussed, not only to the character of the Whigs, but to the past, present, and future interests of the Country, must serve as an excuse for

the length of our digression. We now return to Mr. Roebuck, and proceed to call the attention of our readers to other extraordinary misstatements on questions vitally connected with the Reform Bill. And first in relation to the memorable dissolution in May, 1831. The history, told by Mr. Roebuck, is nearly as amusing as, but not much more credible than, a romance. To an inobservant reader it would almost appear that this resolution to dissolve Parliament was sudden, and undertaken without due deliberation; or, if determined on, that it had been carefully concealed by the Ministers from the Sovereign. This is a charge of duplicity and want of candour against Lord Grey to which the courage and frankness of his nature are a sufficient refutation, for Mr. Roebuck admits that 'the necessity of a dissolution had long been foreseen and decided upon by the Ministers.' He, however, suggests that 'the King had not been persuaded to consent to so bold a measure.' Is he quite certain of this? Does it not consist with a more accurate view of the case to assume that the dissolution had been already consented to, although the time was not, as it could not have been, actually fixed? It was necessarily dependent on the progress of parliamentary business. We now insert Mr. Roebuck's amusing narrative:—

'Now the two chiefs of the Administration were about to intrude themselves into the royal closet, not only to advise a dissolution, but to request the King, on this very day, and within a few hours, to go down and put an end to his Parliament in the midst of the Session, the ordinary business yet unfinished. The bolder mind of the Chancellor took the lead, and Lord Grey anxiously solicited him to manage the King on the occasion. So soon as they were admitted, the Chancellor, with some circumlocution, propounded to the King the object of the interview. The startled monarch no sooner understood the drift of the Chancellor's somewhat periphrastic statement, than he exclaimed in wonder and anger against the very idea of such a proceeding. "How is it possible, my Lords, that I can after this fashion repay the kindness of Parliament to the Queen and myself? They have just granted me a most liberal civil list, and to the Queen a splendid annuity in case she survives me." The Chancellor confessed that they had, as regarded his Majesty, been a liberal and wise Parliament, but nevertheless, their further existence was incompatible with the peace and safety of the kingdom. Both he and Lord Grey strenuously insisted upon the absolute necessity of their request, and gave his Majesty to understand that this advice was by his Ministers unanimously resolved on, and that they felt themselves unable to conduct the affairs of the Country in the present condition of the Parliament. This statement made the King feel that a general resignation would be the consequence of a refusal; of this, in spite of his secret

wishes, he was at the moment really afraid, and therefore, by employing petty excuses and suggesting temporary difficulties, he soon began to show that he was about to yield. "But, my Lords, nothing is prepared: the great officers of state are not summoned." "Pardon me, Sir," said the Chancellor, bowing with profound apparent humility; "we have taken the great liberty of giving them to understand that your Majesty commanded their attendance." "But, my Lords, the crown and the robes and other things needed are not prepared." "Again I most humbly entreat your Majesty's pardon for my boldness," said the Chancellor; "they are all prepared and ready—the proper officers being desired to attend in proper form and time." "But, my Lords," said the King, reiterating the form of his objection, "you know the thing is wholly impossible; the guards, the troops, have had no orders, and cannot be ready in time." This objection was in reality the most formidable one. The orders to the troops on such occasions emanate always directly from the King; no person but the King can, in truth, command them for that service; and as the Prime Minister and daring Chancellor well knew the royal susceptibility on such matters, they were in no slight degree anxious as to the result. The Chancellor, therefore, with some real hesitation, began as before: "Pardon me, Sir; we know how bold the step is that, presuming on your great goodness, and your anxious desire for the safety of your kingdom and happiness of your people, we have presumed to take; *I have given orders, and the troops are ready.*" The King started in serious anger, flamed red in the face, and burst forth with, "What, my Lords, have you dared to act thus? Such a thing was never heard of. *You, my Lord Chancellor, ought to know that such an act is treason—high treason, my Lord.*" "Yes, Sir," said the Chancellor, "*I do know it*; and nothing but my thorough knowledge of your Majesty's goodness—of your paternal anxiety for the good of your people, and my own solemn belief that the safety of the State depends upon this day's proceedings, could have emboldened me to the performance of so unusual and, in ordinary circumstances, so improper a proceeding. In all humility I submit myself to your Majesty, and am ready in my own person to bear all the blame and to receive all the punishment which your Majesty may deem needful; but I again entreat your Majesty to listen to us, and to follow our counsel; and, as you value the security of your crown and the peace of your realms, to yield to our most earnest solicitations." After some further expostulations by both his Ministers, the King cooled down and consented. Having consented, he became anxious that everything should be done in the proper manner, and gave minute directions respecting the ceremonial. The speech for the prorogation was prepared in the Chancellor's pocket: to this he agreed, desired that every body might punctually attend, and dismissed his Ministers for the moment with something between a menace and a joke upon the audacity of their proceeding. (Roebuck, vol. ii. p. 148.)

If this narrative were really true, never was there so great a proof that *le vrai n'est pas toujours vraisemblable*. It would,

indeed, have been wonderful if Lord Grey had, at such a crisis, consented to play the part of a nonentity — not only allowing ‘the bolder mind of the Chancellor to take the lead,’ but sinking, though First Minister, into utter inaction and insignificance. The confession imputed to Lord Brougham, of his exercise of military functions, ‘*I have given orders, and the troops are ready;*’ the charge of high treason brought by the King against the Lord Chancellor, the ready acquiescence of the Chancellor in the accusation, we consider as necessarily apocryphal. The picture drawn by the poet Gray of the scene where

‘The grave Lord Keeper led the brawls,  
And seal and maces danced before him,’

sinks into nothing, in comparison of the supposed appearance of Lord Brougham at the Horse Guards, and his issue of orders to Lord Hill and the colonel of the Life Guards on duty. It is not surprising that Mr. Roebuck should have felt himself compelled to add in the postscript to his preface, that ‘things which he has represented as passing in conference or conversation ‘with the King, are accounts which he found floating in society,’ and are published by him without authority. We are not surprised that this should have been so found floating, for it has no weight.

A narrative of the same transaction, but perfectly inconsistent with the above, will be found in the ‘History of the ‘Thirty Years’ Peace.’ We do not quote the statement of Miss Martineau as in all respects accurate, but as wholly irreconcilable with Mr. Roebuck’s romance. The interview between the King and his Ministers is thus described: —

‘For some hours there appeared little chance of a decision; but at length the perplexed Sovereign began to see his way. He was yielding — had yielded — but with strong expressions of reluctance, when that reluctance was suddenly changed into alacrity by the news which was brought him of the tone used in the House of Lords about the impossibility that he would actually dissolve Parliament, undoubted as was his constitutional power to do so. What! did they dare to meddle with his prerogative? the King exclaimed; he would presently show them what he could and would do. He had given his promise, and now he would lose no time; he would go instantly — that very moment — and dissolve Parliament by his own voice. “As soon as the royal carriages could be got ready,” his Ministers agreed. “Never mind the carriages; send for a hackney coach,” replied the King — a saying which spread over the kingdom, and much enhanced his popularity for the moment.



‘ Lord Durham ran down to the gate, and found but one carriage waiting—the Lord Chancellor’s. He gave orders to drive fast to Lord Albemarle’s, the Master of the Horse. Lord Albemarle was at his late breakfast, but started up on the entrance of Lord Durham, asking what was the matter. “ You must have the King’s carriages ready instantly.” “ The King’s carriages! Very well; I will just finish my breakfast.” “ Finish your breakfast! Not you! You must not lose a moment. The King ought to be at the House.” “ Lord bless me! is there a revolution?” “ Not at ’t is moment; but there will be if you stay to finish your breakfast.” So the tea and roll were left, and the royal carriages drove up to the palace in an incredibly short time. The King was ready, and impatient, and walked with an unusually brisk step. And so did the royal horses, in their passage through the streets, as was observed by the curious and anxious gazers.’ (*Martineau*, vol. ii. p. 34.)

How will the real historian of after times deal with these conflicting and fanciful statements? We earnestly recommend him to disregard them both, and to inquire into the actual facts of the case. He will find that so far was the dissolution from being unforeseen, it had been made the subject of pertinacious inquiry in both Houses of Parliament, and though Lord Grey and Lord Althorp felt themselves precluded, on constitutional grounds, from a distinct reply, their silence and a few significant words dropped in debate, sufficiently betokened their determination. Lord Wharncliffe, too, it should be remembered, had the night before actually given notice of an address praying that no dissolution should take place. Not only members of the Government, but peers in Opposition, exceeding the number of one hundred, were present in the House of Peers, at two o’clock, which could not have been the case if the expected dissolution had not been matter of notoriety. That scene, and the corresponding tumult in the House of Commons, will not be readily forgotten. But wonderful as those events were, Mr. Roebuck’s narrative is still more astounding. It is a marvellous demand upon our credulity to imagine that the King alone had been left in the dark, until that miraculous interview, in which Mr. Roebuck informs us that Lord Brougham is supposed to have admitted having acted as Sovereign, as Commander-in-chief, and as Lord Chamberlain; concluding by pleading guilty to the impeachment preferred by the King, and passing sentence upon himself as guilty of high treason. *Judico me cremari.*

The most formidable crisis, in the progress of the Reform

Bill, was produced by the success of Lord Lyndhurst's motion for a postponement of the disfranchising clauses. This was carried by a majority of thirty-five, on the 7th of May, the Bill having been read, a second time, by a majority of nine only. It was indisputable evidence that the Tory opposition possessed the power, as well as the inclination, to deprive the measure of all its efficiency. The contest could only be decided by the rejection or withdrawal of the Bill; in other words, by an ignominious defeat; by its adoption, mutilated and shorn of its due proportions; or by a creation of peers sufficient to ensure its success. The latter was obviously the most certain solution of the difficulty; but it involved putting a strain on the Constitution which it was impossible to view without apprehension or, we might almost say, without awe. It could only be justified, as a remedy, in an extreme case. Such, however, was the emergency of that time. The King had twice recommended the measure from the throne; the people had been appealed to; their representatives, speaking the popular voice, had passed the Bill by triumphant majorities; the support of 189 peers had been given to the Bill, on its second reading, affirming the principle. If, under such circumstances, the Bill were allowed to be defeated by a majority of forty or fifty peers, many of whom had no great hold on the affections of the nation, the Government of England became an oligarchy. A few were permitted to exercise an unreasonable control over the other branches of the Legislature, and over the whole of their fellow-countrymen. They undoubtedly had the legal right to do so. But are there not many cases in which the exercise of an extreme right, in defiance of the existence of co-ordinate legislative authority and of public opinion, must become an intolerable grievance, as well as a pressing danger? We here refer to the previous acts of the Crown, and of the Commons, not as authorities to over-rule the conscientious judgment of the Peers, but as evidence which it was neither wise nor prudent to disregard. May not this argument be applied the other way with equal force?—for the right of the Crown to create peers was as incontestable, as the right of the Peers to reject the Bill. Test the same principle by analogous cases. It is the undoubted right of the Commons, if they think fit, to refuse all supplies. It is the undoubted right of the Crown to dissolve Parliament whenever, and as often as, it appears expedient. It is the prerogative of the Sovereign to refuse assent to any measure, although it may have passed both Houses unanimously. Yet no one of these extreme rights can be capriciously or mischievously exercised without drawing forth from our Constitution some adequate

check and corrective. This is theoretically true; fortunately, the good sense and experience of the English people preserve them from the necessity of recurring to extreme remedies by a prudent forbearance in asserting extreme rights. When the latter are called into action, the exercise of the former becomes unavoidable. Such was the case on this great occasion; and Lord Grey's Government acting on the conviction, sought from the Crown a power of creating a sufficient number of peers, or, as an alternative, tendered their resignations, which were accepted.

The portion of the history on which we now enter is most important. Some of the details are either unknown to Mr. Roebuck, are suppressed, or culpably misrepresented, by him; and in justice to the character of the parties concerned, as well as for the truth of history, we must entreat the attention of our readers to the facts.

The creation of peers was no new subject either with the King, with his Ministers, or the public. In May, 1832, it had already been for four months considered by both parties. Mr. Roebuck asserts—and asserts, we believe, on correct information—that the necessity of such a step ‘had been, in the last days of December, 1831, constantly under discussion.’ (Vol. ii. p. 226.) He adds that ‘Lord Grey was authorised by his colleagues, on January 1. 1832, to propose a creation of at least ten peers. This was done on the 3rd January; and the King was found to be no longer in the mood of absolute refusal. His manner induced Lord Grey to believe that he was prepared to follow the advice of his Ministers, whatever that advice might be.’ (P. 227.) The condition of such a creation; the parties to be selected; the classes from which they were to be taken, were all considered, and were put down in writing. (Note, p. 227.) ‘The King,’ as Mr. Roebuck informs us, ‘preferred *doing what was necessary at once* to proceeding by dribblets, and offered to create twenty-one peers, which he somewhat hastily assumed *was sufficient to carry the Bill*.’ Without such a creation we have seen that the second reading of the Bill was carried by nine. It was the subsequent adverse majority of thirty-five which rendered it necessary to return to the question of creations.

Had Lord Lyndhurst's amendment been a mere question of detail, or unimportant in its consequence, it might not have been wise or just again to apply to the Sovereign. But the Bill—more than the Bill itself—was at stake. An inadequate Reform neither corresponding to the recommendations of the Crown, nor fulfilling the promises of the Ministers, nor meeting

the justice of the case, or the rightful expectation of the people, would assuredly have been dangerous, and might have been fatal. The Ministers were, therefore, wise and loyal in their advice, and were bound in honour to tender, as an alternative, their resignation.

The transactions which followed are but imperfectly known, the most material is wholly unnoticed by Mr. Roebuck. They deserve mention as historical facts, and as a political example. They furnish, also, the most complete refutation of Mr. Roebuck's pertinacious efforts to degrade the Whig leaders by imputations of vulgar selfishness and low ambition.

On Wednesday, the 9th, the resignation of Lord Grey and his colleagues was announced to both Houses. On the 10th, Lord Ebrington (the present Earl Fortescue) gave notice of an address praying the King to call to his councils men who would support and carry the Reform Bill. Lord Althorp earnestly entreated his friend, Lord Ebrington, to withdraw that notice, as being likely to embarrass the new Government, whatever it might be. The motion was, however, made on Friday, the 11th, and was carried by a majority of eighty.

On Saturday, the 12th, it was known that Lord Lyndhurst had been engaged in the political function of negotiating with various parties to form the new Government, no very seemly office, we may observe, for a judge of the land. It was known that the King had required, as a condition, that the proposed Cabinet should carry through a full measure of Reform, in satisfaction of what the King considered his plighted faith to the people. Lord Ellenborough had already expressed his desire that such a Bill should include a lower franchise than had been proposed by Lord Grey. It was known that Sir Robert Peel had absolutely, and most honourably, declined any participation in a project so extraordinary. Parties less scrupulous were found among those whose opposition to Reform had been the most uncompromising and acrimonious. Had Parliament and public opinion permitted it, there were men avowedly prepared for this discreditable duty. But this was not to be. Public indignation rose to its highest pitch. Men the least eager on party politics resented as an insult, this outrage on public morality. To defeat a Government on the score of the fatal results anticipated from their measures, and then to undertake to support and to carry the very measures so stigmatised, was too much for endurance.

On the evening of the 13th a meeting of the Reform party took place at Brooks's, a place which we presume Mr. Roebuck must consider a political Pandemonium, where all selfish and interested plots are conceived and brought forth. The meeting

included every class of reformers. The utmost excitement prevailed. Lord Ebrington recommended that on the following day a motion should be made for an address to the Crown, declaring want of confidence in the inchoate Cabinet. In the midst of the cheers and acclamations with which this proposition was received, Lord Althorp rose. He told his assembled friends that he no longer appeared among them as a Minister of the Crown—that as such he could not have felt himself justified in endeavouring to check, or to control them; but that as Member for Northamptonshire, when out of office, they had often encouraged him to offer his advice; and they had often kindly followed it. He entreated them to do so in the great crisis in which they were placed. ‘What bond unites us?’ he added; ‘What are our obvious duties? For what did I accept office? For what have I abandoned office? To carry a Reform Bill for the people of England. Whether we have the credit and happiness of carrying that measure ourselves, or whether we see it carried by others, is but a secondary and less important question. It is to the interests of England that we should look, whatever moral judgment we may afterwards pass on our successors. Accept the Reform Bill from any hands. Take no step that can endanger its success, and follow my advice in not adopting the extreme measures recommended.’ Lord Althorp’s wise counsels prevailed. All party views were abandoned; and though some language of unexampled violence was used by another, on which we forbear to comment, a self-denying and generous resolution was adopted, and was adhered to. We do not pretend to repeat the very words used by Lord Althorp on this occasion; but we know, of our own knowledge, that the statement we have made is substantially and almost verbally correct.

Our readers are familiar with the further results. The House met on Monday, the 14th May. The late Alexander Baring undertook the unenviable task of defending what was done and meditated by the new Tory reformers. He was encountered by what was the very opposite of ‘a concert of sweet sounds.’ He was disavowed by some, and the embryo Cabinet was discredited by all, more especially by the sincere and consistent anti-Reformers at his own side. Sir R. Peel expressed an unqualified, though cautious, disapproval. The member for the University of Oxford, ‘declared the intended acceptance of office’ to be one ‘of the most fatal violations of public confidence which could be inflicted.’ Even the sedate President of the Royal Society could not remain silent; but, in the name of the exact sciences, demonstrated that the problem proposed

was insoluble. The indignant eloquence of the present Lord Derby had, on May 11., already stigmatised the proceeding in a manner the most vehement, and which deserves to be recorded at the present moment. 'For my own part,' he observed, 'if those who now profess themselves to be the opponents of the Bill, and of all reform, should bring forward a measure of equal extent and efficacy as the present, I shall not be able to place confidence in them, nor do I believe they will be able to obtain confidence out of doors.' A short debate of three or four hours determined the question. Mr. Baring himself suggested the recal of Lord Grey, and admitted the inevitable necessity of submitting to the Reform Bill. This representation, or rather this farce, was soon over, and the curtain dropped. Lord Grey was reinstated, and the power of creating peers was granted by the Sovereign.

But at this point commences a new instance of Mr. Roebuck's perverse ingenuity, exerted, as it most frequently is, to degrade the political party he so bitterly hates, but of which he assumes to be the annalist. Most generally Mr. Roebuck endeavours to draw an invidious distinction between the Lord Chancellor and his colleagues. We need not add that this is done to the prejudice of the latter. No exception is made even on behalf of Lord Grey. On the contrary, at the very crisis of the Reform Bill, he states (vol. ii. p. 225.), 'Lord Grey saw all the dangers and difficulties of his position, and he trembled before them. He was kept at his post, and his courage was sustained by the more active and resolute mind of his colleague the Chancellor.' In what we now proceed to notice, the pen of Mr. Roebuck attacks both these Whig Ministers. We have seen that on the restoration of Lord Grey to office, the King granted an unrestricted permission to his Ministers to create peers. This was given in writing, it bears date May 17., and of this note Mr. Roebuck gives what purports to be a copy; but as he states that the original note is lost, we cannot help doubting, from internal evidence, the verbal accuracy of the copy. The substance may not be incorrect; but when a document very similar was read, on the 21st May, by the Duke of Newcastle, in the House of Lords, Lord Grey denied its authenticity. It is, however, unquestionable that the engagement was made by the King, and that the knowledge of that engagement, followed up by Sir Herbert Taylor's letter, produced the Tory secession, and the success of the Bill. Lord Althorp had stated distinctly that the advice tendered to the Sovereign was to grant to his Government a 'power of creating a sufficient number of peers.' The same fact, though not directly stated, was admitted, in the House of Lords,

by Lord Grey. 'The copy of a written instrument, purporting to be the King's promise, is printed and published. To complete the whole evidence, Lord Brougham, in his 'Political Philosophy' (vol. iii.), states what is conclusive. 'The Government of which I formed a part, carried the Reform Bill, through the Lords, by the power which his late Majesty had conferred upon us of an unlimited creation of peers, at any stage of the measure.' It is to be remembered that this permission was reluctantly wrung from the King by the necessity of the case; that this Royal promise was known and communicated to the Peers; and that it led to their abandonment of what they had declared to be a positive duty.\* Now it cannot be doubted that if such permission had not been given, the suggestion of its existence would have been a downright fraud, and the political support so obtained, would have been obtained under false pretences. Assuming the genuineness of the King's engagement to be proved, but coupling it with the insinuation of Mr. Roebuck, that Lord Grey and Lord Brougham would not have availed themselves of the permission granted, but would have preferred to a creation of Peers losing the Reform Bill, and entailing on the country all the calamities of its rejection, the imputation thrown upon them by this hypothesis amounts to a most serious accusation. It rests upon the supposition of a concealment of the truth from the King, and from Parliament, and is accompanied by a suggestion of falsehood of which English gentlemen are incapable. The treachery to the people of England would have been of so deep a character as to merit the scorn and indignation of contemporary and of all future times.

We now proceed to deal more closely with Mr. Roebuck's statement. 'It is clear,' he observes, 'that Lord Grey was far from satisfied that the power to make peers was sufficient for his purpose.' (Vol. ii. p. 335.) This is directly contradicted by the written engagement of the King, on which Mr. Roebuck has relied. It is also contradicted by the extract from Lord

---

\* It is not among the least characteristic of Mr. Roebuck's incredible revelations that he adopts the report that Sir H. Taylor, who had been present at the interview with the King and his First Minister, had written to the more violent of the Opposition without the knowledge, certainly of Lord Grey or the Chancellor, *and probably without the privity of the King*; giving a history of what had passed and the fearful result of the interview. (Vol. ii. p. 334.) To those who know the chivalrous sense of honour which influenced Sir H. Taylor in all his proceedings, no denial of this imputation is now required. The whole is an invention we are confident. Sir H. Taylor would never have betrayed trust.

Brougham's 'Political Philosophy,' which we have quoted. But he proceeds, 'It is not certain that he would have exercised the power he possessed, had the Opposition remained 'staunch.' (*Ib.*) 'His object in obtaining the King's promise 'was to terrify the Peers into secession, and not to gain a 'majority by creation.' (*Ib.*) If Mr. Roebuck's intention be no more than to suggest that Lord Grey, and his colleagues, felt the greatest reluctance in resorting to a special creation of peers, to carry a specific measure, he merely declares an obvious and uncontested truth. Such, indeed, was the opinion of all rational friends of the Constitution; but if he means to suggest that the framers of the Reform Bill, responsible as they were to God and to their country for its success, would have preferred to lose that great measure rather than to claim from the King a fulfilment of his promise, this we wholly disbelieve. The consequence of such a dastardly resolution Mr. Roebuck describes would have been as follows:—'Had the Opposition peers stood 'firm, and had Lord Grey retired, without having exercised the 'power confided to him by the King, the Whig party would 'at once, and for ever, have been set aside. A bolder race of 'politicians would have taken the lead of the people; civil war 'would have been dared, and the House of Lords, probably the 'Throne itself, would have been swept away in the tempest 'that would then have been raised.' (P. 336.) How Mr. Roebuck can believe that any men would incur this disgrace, endanger their country, betray their King, and voluntarily destroy their own party power, is miraculous. Yet he seeks to impress his readers with a conviction that such was the absolute truth. This will appear from the following extract:—'Fortunately 'for the fame of Lord Grey and the Lord Chancellor—fortunately for the happiness of England—the practical good sense 'of the Duke of Wellington extricated the nation from the 'terrible difficulty into which the House of Lords and the Administration had brought it.' (Vol. ii. p. 336.) That Lord Grey should have endangered the Reform Bill, and the Duke of Wellington have carried it, is a new discovery. We recommend to Mr. Roebuck's ingenuity the question whether it is not as true that the Duke of Wellington's military errors at Waterloo were repaired, and the battle won, by Joseph Hume?

Such is the unjust and offensive charge advanced by Mr. Roebuck, and he attempts to support it by a reference given in a note to two printed works of Lord Brougham. He prudently abstains from extracting the portions of those works on which he relies. We have consulted them carefully, and must say that never was such a superstructure raised upon so narrow a founda-



tion as that relied on by Mr. Roebuck. In his 'Political Philosophy,' Lord Brougham, after stating the power granted by the Crown to Lord Grey for an unlimited creation of peers, adds, 'It was fortunate for the Constitution that the patriotism of the Peers prevented us from having recourse to a measure so full of peril. I have always regarded it as the greatest escape I ever made in the whole course of my public life.' Can any one doubt from this extract that so far is it from implying a resolution of the Ministers not to make peers, we are bound, from Lord Brougham's words, to infer a determination to create them, if absolutely necessary? It is quite true, that in writing, after an interval of twelve years, Lord Brougham adds, 'I have often since asked myself the question, whether, if no secession had taken place, and the Peers had persisted in really opposing the most important provisions of the Bill, we should have had recourse to the perilous creation. . . . I cannot with any confidence answer in the affirmative.' But Lord Brougham proceeds:—'When I went down to Windsor with Lord Grey I had a list of eighty creations, founded on the principle of making the least permanent addition to the House. I had a strong feeling of the necessity of the case.' If at that time Lord Grey and Lord Brougham had entertained a shadow of doubt that the power they asked for, and obtained, would, if it had been necessary, been bravely, though reluctantly, exercised, never was so gross a piece of mummery as this interview with the King—never a more unpardonable case of political imposture. They would have deceived their Sovereign with the view of deceiving Parliament, and, if that deception failed, with the view of ultimately betraying the people of England. We revert to Lord Brougham. 'But such was my sense of the dreadful consequences of the act, that I much question whether I should not have preferred running the risk of confusion that attended the loss of the Bill as it then stood. I had a strong impression on my mind that my illustrious friend would have more than met me halfway.' Now what can be deduced from this extract more than the existence of speculative doubts in the mind of Lord Brougham in respect to the course he might have taken in a certain contingency twelve years antecedent? In this relation, he only suggests an impression that Lord Grey would have been ready to meet him, 'more than half way.' With respect to the opinions of Lord Grey, he adds, what is far indeed from confirming Mr. Roebuck's insinuation, 'My opinion of Lord Grey's extreme repugnance to the measure on which we felt we were forced, has been confirmed since he read this passage.' Can any one believe that a measure on which the parties were determined

not to act, could be described as the course '*on which they were forced.*' But Mr. Roebuck has had the imprudence to refer, in confirmation of his hypothesis, to another work of Lord Brougham's, which is strong evidence against him ('Reply to Letter of Lord John Russell to the Electors of Stroud'). In this pamphlet Lord Brougham describes the creation of peers as 'an expedient which nothing could have justified us in using *but its absolute necessity for avoiding the greatest evils.*' He adds, 'I firmly believed the Bill to be a wise and necessary measure, and in the state of the country *I was certain that its friends were bound to carry it.*' (P. 6.) Can any man of candour believe that a measure which Lord Brougham thus states that he 'was bound to carry,' he was really prepared to betray? Can any man of integrity doubt that in May, 1832, Lord Grey, Lord Brougham, and the other members of the Cabinet (whose honour we respect, and whose services we acknowledge, however forgotten by Mr. Roebuck), were all fully determined to redeem their solemn engagements to the people of England, and to use the means placed at their disposal, to save the Constitution? If evidence were wanting to prove Mr. Roebuck's mistrust of his own theory, it will be found in the eager credulity with which he repeats and adopts the absurd calumnies of the time. To those ministers whom he charges with indifference or insincerity, and to their friends, he nevertheless attributes the encouragement of threats and violence on the part of the people in order to intimidate or coerce the Peers. A speech of Lord Fitzwilliam, in which the possibility of refusing the payment of taxes, under a certain contingency; the petitions for stopping the supplies; an encouragement of the political unions, are all by him connected with this charge. An inconsiderate election speech made by Mr. William Brougham, in which he announced that his brother, the Lord Chancellor, was in good health, and 'in good fighting order,' is quoted to give point and personality to the argument. (Vol. ii. p. 297.) 'The Whig leaders, with certain exceptions, employed language and adopted tactics which made the country believe that armed resistance might eventually be necessary.' (Vol. ii. p. 310.) 'The violence of language employed by persons intimately connected with the Whig chiefs — the furious proposals of the newspapers known to speak the sentiments and wishes of the Cabinet, — all conspired to make the country believe that if an insurrection were to break out it would be headed by the great Whig leaders, and sanctioned by the general acquiescence of the great majority of the Whig party.' (Vol. ii. p. 311.) We do not quote this extravagance for the purpose of contradicting it, but as it

forms a prominent part of his narrative we cannot, without disrespect, attribute to Mr. Roebuck a disbelief in his startling announcements. But if he really imagines that the Dukes of Devonshire and of Norfolk were about to join Mr. Thomas Atwood, and to take the field, in order to carry Schedule A.; if Gold Stick, Silver Stick, and the 'Lords with white staves,' were, according to Mr. Roebuck's conviction, ready to head an insurrection, under the command of Lord Glenelg; we almost envy the author his happy and innocent credulity. But we beg to ask him how he can reconcile with this supposed readiness to encourage civil war the supposed unwillingness to create a few peers? We flatter ourselves that with this question we may close our argument.

If we had not already trespassed so far upon the attention of our readers, we might be tempted to amuse them with some of Mr. Roebuck's lucubrations on the subject of Whig finance. Every effort made by the Whigs, in opposition, to enforce economy, is represented as faction; all their acts, in office, are described as base violations of their engagements. This can be easily proved by Mr. Roebuck's convenient logic. All facts that bear against him he omits; all that are doubtful he perverts, and what remains, he moulds and exaggerates after his own peculiar fashion. For instance, in charging the Whigs with a disregard of their economical pledges, he omits all mention of their first economical measure in the reduction of their own official salaries. This is described by a more candid writer as 'a graceful beginning in the work of retrenchment.' (*Thirty Year's Peace*, vol. ii. p. 23.) He, in like manner, omits to state the reduction of the annual estimates 2,727,000*l.* below the estimate of the Finance Committee. He omits to state the reduction of 623 persons employed in the Civil Service, receiving annual salaries to the amount of 109,000*l.* He charges Sir James Graham, as efficient in the Government as he had been energetic in Opposition, with faction, for moving for a return of all salaries exceeding 1000*l.* a-year. He charges the Whigs with inattention to this question when seated at the Treasury; but the financial accounts would have shown him, that under this very head of expenditure, salaries of 166,000*l.* had been reduced out of a total of 315,000*l.* He sneers at Lord Spencer's reduction of taxation; he suppresses the fact that it amounted to between four and five millions. He discusses the settlement of the Civil List, but begins by stating the 'surrender of the hereditary revenues to be a mischievous farce.' 'The King of England,' he adds, 'has no hereditary property in the true sense of the term. All belongs to the nation.' (Vol. i.

p. 364.) The 'History of the Thirty Years' Peace,' written in a spirit very different from that of Mr. Roebuck, (though not without mistakes of its own, which we should wish to see corrected,) affords us a standard by which to measure the effects of Whig administration. The Legislative desiderata on the accession of the Whigs are described as follows by a Radical:—'As to what remains to be done, obviously in the view of all the people in 1830; (1.) The House of Commons must be reconstituted; (2.) Municipal Government must be purified; (3.) Slavery must be abolished; (4.) Something must be done to lighten the intolerable burden of the Poor Law; (5.) The Corn Law, and as a consequence, the Game Law, must be abolished; (6.) Religious liberty must be made complete; (7.) The youth of the country must be educated.' Let our readers inquire how much of this was rapidly and fully accomplished. Parliamentary Reform and Municipal Local Government, have been carried. Slavery no longer exists; the Poor Law has been placed upon sounder principles, combining a wise economy with a more efficient relief of distress; import duties upon corn were abolished, at a later period, it is true, and by the vigorous hand of Sir Robert Peel, a statesman of whom Mr. Roebuck writes with almost as much asperity as if he considered him a Whig; the complaints of the Dissenters respecting the laws of marriage and of registration have been altogether removed, and a noble university has been founded, free from all sectarian tests, and degraded by no intolerant exclusions. A system of enlarged National Education has been extended throughout the length and breadth of the land, only checked in its usefulness by the unreasonable claims of a small section of Churchmen, and by the absurd crotchets of the assertors of the voluntary principle. But is this all that has been done, and done, for the most part, within the first period of the Whig Administration? The Irish Establishment has been reduced within more reasonable limits by Lord Stanley's Church Temporalities Act. The East India Charter was renewed, but liberalised. The trade with China was opened. The Bank of England was placed in greater security by subjecting all its transactions to the control of public opinion, by enforcing the publicity of its accounts, as well as by other salutary reforms. Tithes have been commuted, equally to the advantage of the Church and of the cultivator. Throughout this period, as well as up to the present moment, those services to his fellow men, of which Lord Brougham laid the foundation in his noble speech upon Law Reform, have been continued; and if, in the present Session, as we confidently hope, the Court of Chancery will be changed from a curse into

a blessing, and if we shall see completed his great work, by the enactment of a clear and consistent Criminal Code, Lord Brougham will have secured to himself an imperishable renown. We might go further, but we think we have said enough to prove how unjust and unworthy are the insinuations of those detractors who undervalue the services of honourable politicians. No greater injury can be inflicted on a free government, and on those who administer it, than the unworthy effort to depreciate all public services, and thus to create a disbelief in all public virtue. Our defence of the Whig party is made not in the time of their prosperity, but when they have been driven from power. We have abstained, as far as was practicable, from noticing the living. We have rather preferred to defend the acts of those who are no more. Of Lord Grey, more especially, till the publication of Mr. Roebuck's work, we should have thought the only defence needful, was the *quis vituperavit*? Lord Althorp was equally irreproachable. Mr. Roebuck's laboured, but ineffectual attack has proved that more is required both for Lord Grey and the Whig party. It is somewhat singular that the bitterest attacks upon that great party, should uniformly come, not from their natural opponents, but from some of those, (we believe but a small section), who entertain extreme popular opinions. The reason is however obvious. They are jealous of men who profess the same faith, but who adopt a more sober and a purer form of worship. Rivals are always more hateful than enemies.

We now close our review of Mr. Roebuck's history. We have cautioned our readers against its more glaring defects, we have proved its faithlessness in point of authority; we have not disguised our opinion of the author's peculiar talents, though we regret and condemn the mode in which they are displayed. Those who pass from the review, to the work itself, will be enabled to apply the remark of Dr. Johnson, that 'we should not mistake the venom of the shaft for the vigour of the bow,' and to those who desire an opinion on the merits of the Whig leaders in their greatest work, the Reform Act, we commend the following observations of a witness, unbiassed either by private partiality, or by party allegiance. 'The framers of the Reform Bill were noblemen and gentlemen of high family, who were laying down hereditary possessions of their own, while requiring the same sacrifice from others. If we read with tender admiration of loyal noblemen and gentry who brought their wealth to the feet of an unprosperous sovereign, and made themselves landless for the sake of their King, what must we feel at this great new spectacle of the privileged

'classes divesting themselves of privilege for the sake of the people, for the honour and integrity of the country? It was a great deed; and posterity will ever declare it so. It is objected by some that these peers and gentlemen were well aware, and indeed openly avowed, that they could not retain this kind of wealth, nor perhaps, any other, if Reform of Parliament were not granted: they apprehended a convulsion, and said so; declaring also that this was the reason why their reforms were made so prompt and sweeping. This is quite true; but it is precisely this which shows how superior these men were to the selfish greed which blinded the eyes of their opponents. They had open minds, clear eyes, calm consciences, and hands at the service of their country; and they, therefore, saw things in their true light, and turned the pressure of an irresistible necessity into a noble occasion of self-sacrifice, and disinterested care for the public weal.' (*Thirty Years' Peace*, vol. ii. p. 30.)

ART. IX. — *Nicaragua: its People, Scenery, Monuments, and the proposed Interoceanic Canal*. By E. G. SQUIER, late Chargé d'Affaires of the United States to the Republics of Central America. 2 vols. 8vo. London: 1852.

**H**ISTORY presents few more striking contrasts than those afforded by the course of British and Spanish colonisation in America. We do not here speak of such differences as are justly attributable to diversities of national character, government, and religion.† On all these enough, and more than enough, has been said, and is daily repeated, to gratify the ostentatious self-complacency of the 'Anglo-Saxon'; nor have we any intention of dilating on the tempting subject. The contrast to which we more immediately advert is that of circumstances — a contrast so great, that more confusion of ideas has been produced by comprising the proceedings of English colonists and Spanish conquistadores under a single name, than by almost any other current looseness of phraseology on political subjects. The American colonies of England have been conquered in reality from nature alone. In no single instance did her emigrants encounter a native race possessed of an established polity, or even cultivators of the soil to any extent. Our settlers had only to resist at first, and subjugate afterwards, the courageous but scanty warriors of the wilderness. The mighty States which they have founded are the first fruits of human cultivation in their respective countries. There is not one of the greater

cities of British America, so far as our memory serves us, which occupies the place of an Indian town or settlement of any consequence — of which the site was not primitive forest two hundred and fifty years ago. And, whether the cause lie in choice or destiny, the same character seems in general to attach to the more recent colonising enterprises of our race. Australia and New Zealand are submitting to gradual occupation after the fashion of British America. There is no important instance in our vast colonial empire, present and past, of a body of British colonists settled permanently among and along with mixed and inferior races, unless such is afforded by the eastern portion of the Cape colony — a somewhat ominous exception at the present moment.

What in the history of British colonisation proves so marked an exception, is in Spanish America the all but universal rule. We must go to the extremities of that vast region — New Mexico on the north, Chili and La Plata on the south — to find any substantial traces of colonisation in the English sense: the establishment on the soil of a race of European blood, constituting the actual labouring population. Its other parts have been uniformly conquered — not colonised. Along the great ridge of the Andes, from the mining district of Mexico to the southern tropic, the advancing conquerors found a succession of Indian states and empires, populous and thriving, but divided from each other, and bounded east and west by vast tracts of wilderness. They overthrew empires, only to found continuous vice-royalties and governments. They settled as masters wherever they found ready multitudes of subjects to govern and labourers to employ. They supplanted the Aztecs of Mexico and Quichuas of Peru in their supremacy over still inferior races, as the Greeks supplanted the Persians, and the Persians the Medes. And thus, as the old world displayed those curious instances on which Arnold and others have observed, of tracts like Thrace and Illyria, which appeared to lie out of the track of conquest and civilisation, and to exhibit the same permanent aspect of barbarism close to the civilised States which flourished and decayed successively beside them; so, in Spanish America, there are great districts no more subdued or occupied by the Republicans of the present day than they were by the companions of Cortez and Pizarro, lying within a few days' journey of the centres of modern population. Of all the numerous capitals of the provinces of the Spanish Indies, we remember only three — Lima, Santiago of Chili, and Buenos Ayres — which are properly Spanish foundations. The others are Indian cities, new christened; and, in many instances,

neither so extensive nor populous as in the days of their heathenry.

Most of those disjointed States which formed originally parts of the Captaincy-General of Guatemala, afterwards members of the Federation of Central America, and which since its disruption in 1838 subsist as separate Republics, afford striking illustrations of this general rule; and none more so than Nicaragua and Costa Rica; provinces almost unknown to Europeans until of late years, but become of great importance recently in consequence of the projects for connecting the Atlantic and Pacific Oceans. Narrow as is the space occupied by those Isthmian Commonwealths on the map, the part of it actually possessed by the descendants of the Spaniards is much narrower. Gil Gonzales de Avila, the discoverer of Nicaragua, found, in 1522, a numerous and wealthy race of Indians settled along the strip of volcanic plateau land between the two great fresh-water lakes of Managua and Nicaragua and the Pacific Ocean. There the Spaniards established themselves; and beyond that region of old cultivation they have never extended themselves. The annals of that conquest form one of the worst chapters of a sanguinary history. Nowhere were the natives treated with more relentless ferocity. The ruined church of the now deserted city of Old Leon, once the capital of Nicaragua, is believed by the people still to show the traces of the blood of Antonio di Valdivieso, third Bishop of Nicaragua, slain at the altar by the wicked governor, Contreras, for protesting against his cruelties. But the native race, though sorely afflicted, was not exterminated, and now forms the bulk of the population of the State, living, as it appears, in better intelligence with the whites, and in a more civilised and satisfactory condition, than their brethren in many other parts of Spanish America. The whole population of the Republic of Nicaragua is estimated at about 260,000 only, and of these more than 90,000 live in the seven principal towns, the remainder being concentrated on the cultivated ground in their immediate vicinity. All the rest of the nominal territory of the State is inhabited by unsubdued Indians, with the exception of a post or two on the San Juan and along the Pacific. Costa Rica, with even greater pretensions on the map, is still inferior in inhabitants and in extent of settlement, its population, in Mr. Squier's language, being 'concentrated on the western or 'Pacific slope of the great volcano of Cartago.' 'The eastern 'slope of Costa Rica (adds the Envoy) may be said to be uninhabited. . . . Indeed the entire Atlantic coast of Central 'America, embracing the whole of what is called the Mosquito 'shore, is subject to the same remark. . . . This coast has



‘scarcely any inhabitants, except a few squalid Indians of the  
‘Carib stock, of which the Moscos or Mosquitos, in consequence  
‘of certain equivocal relations with Great Britain, are the best  
‘known.’

It is necessary, however, to add, with a view to the full appreciation of this subject, that this peculiar concentration of the Hispano-American people in insulated spots is not solely attributable to historical causes. Vast tracts of their nominal empire seem utterly unfit to support an European population, and scarcely adapted even for an indigenous. Most of the cultivated oases of which we have spoken, are situated, as is well known, on high plateaux, enjoying a temperate climate in tropical latitudes. Nicaragua is indeed one of the exceptions to this rule. The volcanic plains of Leon and Grenada, in which all its towns are huddled together, seem to lie, for the most part, only two or three hundred feet above the level of the sea. But, from other causes, they enjoy a healthy and even a mild climate. The constant sweep of the trade wind, uninterrupted by lofty and continuous ranges of mountains, serves to purify the air; the dry cinereous soil absorbs moisture; and the rains, which on the eastern coast are constant, fall on the western only during the summer half of the year.

It is necessary to keep in mind these general views of the history of Spanish colonisation, in order to comprehend the bearings of those political questions which have arisen of late years concerning the right to various portions of the Atlantic coast of the Isthmian region of America. It is not our purpose at present to enter into those questions: we merely indicate them in order to put the reader of Mr. Squier's amusing work on his guard against the peculiar Anglo-American view which the *ex-Chargé d'Affaires* takes, as in duty bound, of the relations between Great Britain, his own country, and the ‘Re-publics,’ to which he was accredited as a diplomatist. Even in the last century, while Spain possessed her transatlantic empire, it was a difficult matter for statesmen to distinguish between her rights to those provinces which she had occupied and peopled, and her vague claims over vast contiguous regions, utterly beyond her practical jurisdiction. There were tracts, in the interior of Central America, where no European had ever penetrated — such as that in which, according to Mr. Stephens (repeating, however, an old story, to be found in Father Gage's *Travels of a century and half ago*), an independent and undiscovered Aztec city is said still to lie concealed. There were others, on the Gulf of Mexico, which no Spaniard had reached, and where the only connexion of the scattered natives

with Europeans consisted in their intercourse with the English of Jamaica. All these formed part of the territories claimed by Spain, and were placed by constantly-changing regulations under distant seats of government, far in the interior, the inhabitants of which were ignorant even of their existence. But the task of maintaining such claims as these against rights acquired by usage and by occupation became much more preposterous, when Spain herself had abandoned the arena, and her nominal empire was inherited by a set of States continually shifting from federation to independence, and back to federation again, full of disputes respecting their mutual boundaries, which it was essential to adjust before they could establish any definite right as against the foreigner, but which never could be adjusted from their want of confidence in each other's governments.

Patience, however, and the gradual consolidation of those States, would probably have led to the arrangement of all such questions in the course of time, and little practical inconvenience would have arisen from the delay. The case has become greatly altered since our sagacious and enterprising brethren of the United States have interfered in their solution. For many years the view of the far-sighted politicians of that country has been fixed on the vicissitudes of these feeble and distracted republics. In this Isthmian quarter, above all others, they seem not only to have anticipated the extension of their own authority, but to have determined on carrying out, as far as in them lies, their daring maxim, which prescribes the exclusion of all European influence from the continent of America. These were mere political views; but they have been seconded of late by far more important commercial considerations. The conquest of California, and its strange fortunes, have brought prominently forward the question of interoceanic communication. The States which command the 'means of that communication must be, and ought to be, to North Americans, objects of deep interest. If they cannot be 'annexed,' they must at least be so far influenced or subjugated as to present no obstacle to the arrival of those great events with which the future is so plainly pregnant. A strong and united government at home, the predominance of some foreign maritime Power from without, would be equally hostile to the schemes which the Government of Washington must of necessity entertain as regards these States. *Sint ut sunt, aut non sint*, must be — we say it in no degree reproachfully — the feeling towards them of every true-bred Northern politician.

But national feeling, which in the United States is a far

stronger motive power than the counsels of politicians, coincides in this instance with the designs of their statesmen. The eyes of a grasping and enterprising race have been long fixed with peculiar earnestness on this quarter of the world. The Spanish South has become to Yankees what the shores of the Mediterranean were to the sea-kings of old—an object of yearning desire, offering the attractions of conquest to a stronger people, the attractions of a happier climate and softer society to the rough children of the North. Spanish dominion has grown old. It seems as if one energetic shake was all that is required to dispossess present occupants, and set a new race of usurpers in the seats won by the conquistadores from Indian sovereigns. And the better class of adventurers have the satisfaction of feeling the spirit of aggrandisement excused, and almost sanctified, by the demands of civilisation. To bring internal peace and the benefits of commercial enterprise to these wretched little States, impotent alike to defend their rights and ameliorate their internal condition, seems a mission worthy of a great and flourishing people: and thus the spirit of rapacity is varnished over by one of those plausible hypocrisies so dear to human self-righteousness. That Central America is to become substantially a dependency of the Union—whether by conquest, or the milder process of improving the natives off the face of the earth—is an article of faith which meets, we conceive, with no dissenters, from Maine to California; and such determined faith is apt enough to realise its own accomplishment.

It is, accordingly, easy to perceive that our Envoy, full as he is of official enthusiasm for the rights and independence of the little Powers to which his mission was directed, whenever he chooses to consider them threatened by others, yet has his patriotic eye wide awake on every occasion where the future prospects of the Western hemisphere in general come seriously in question. The English Government is, in his eyes, the source of all dark intrigues and detestable machinations—the villain of his plot—continually getting up pronunciamientos, rebellions, and robberies—supporting ‘serviles’ against true Republicans—anarchists of every class against enlightened Federalists—making the Church arrogant, the Indians restive, the roads unsafe, the fields uncultivable—and all in pursuit of some Machiavelian plans of aggrandisement, the more to be dreaded from their utterly vague or inscrutable nature. The Cabinet of Washington is the very reverse of all this—the disinterested, self-sacrificing patron of oppressed nationalities and struggling democracies all over the world. And those exposed and defenceless Princesses, the Republics of Central

America, fully appreciate the difference between the sea-monster of Europe, who threatens to devour them, and the gallant knight who upholds the banner of stars for their protection. The latter is everywhere the popular favourite—not only is his political friendship highly prized, but his social merits are thoroughly recognised. Everything that comes from ‘El Norte,’ Envoys included, is the subject of popular enthusiasm. The innocent Creoles welcome him with salutes and festivals—much, we cannot help thinking, as the Indians of old showered gold-dust and flowers before the Ambassadors of Cortez, Alvarado, and Pizarro. For him the Don brings forth his choicest liqueurs and oldest ‘puros’; for his hand the smallest-footed Señoras and Señoritas strive in the dance—landed gentlemen bespeak his attention to the qualities of their coffee and cacao—ladies catechise him on the last Broadway fashions—politicians pester him with inquiries about Henry Clay and General Taylor—while the gentler Bishop of Leon is anxious to know ‘about Forrester and Miss Clifton, and whether they were yet on the stage.’

And yet, while duly reciprocating this national welcome, the Envoy keeps, as we have said, his view steadily fixed on the balance which Central America is by and by to return to his owners for their speculative cargo of disinterested friendship and alliance. In jest and earnest alike, he looks over the region with glances ominously like those of an intending purchaser visiting the decrepit life-renter of an estate. American steam-boats, he foresees, are to plough the noble lakes of Nicaragua—American capital is to vivify its deserted harbours. An eligible site on the Pacific suggests the idea of a ‘City of Corinth,’ to be laid out in ‘lots varying from 1000 to 1500 square yards’—the mineral springs on the desert shore of Lake Managua that of a ‘grand Volcano Hotel and North American natural hot-spring bath establishment.’ If he climbs a mountain, with a single Yankee skipper for a companion, it is to plant the flag of the States on the summit, ‘as the symbol of dominion over the two seas, and of a power the greatest the world has ever seen.’ He cordially responds to the words which he puts into the mouth of the stage-loving Bishop of Leon:—‘We want only an infusion of your people to make this broad land an Eden of beauty, and the garden of the world.’

With these political questions, however interesting, we will no further concern ourselves here. One thing is certain, and most satisfactory—that civilisation and commerce must gain through the extension of North American influence, and that Britain has, in reality, no greater interest than that of their

general progress. We remain impressed with the old — it may be the unpopular — notion, that nations as well as men have their account to render for every act of violent or fraudulent aggrandisement — that the plea of the interests of civilisation and progress, the ordinary promise to turn ill-got wealth to good account, is no more available to cover national than private robbery. It is a serious doctrine, and one which Englishmen, above others, have only too much occasion to lay to heart. But to those who have no concern in the wrong of the acquisition, the good which results from it is matter of unsullied enjoyment — and such we may fairly derive from the rapid progress of the provinces which our kinsfolk in America have severed and may sever from the old inheritance of the Spaniards.

Mr. Squier landed from New York in May, 1849, at San Juan de Nicaragua, so called by the Spaniards, recently christened 'Greytown' by the English, in honour of the government of Jamaica, but which name the Envoy studiously ignores. This place, the right to which has been so long in dispute between the Mosquito territory and the State of Nicaragua, stands on the Gulf of Mexico, at the mouth of the river San Juan, which is the outlet of the great lake of Nicaragua. This coast is subject to almost perpetual rains, under a steaming tropical atmosphere, inimical to European and even Indian life; though Mr. Squier makes an apologetic exception in favour of the town of San Juan itself. It is, and probably always will be, important only as the vestibule to the salubrious and well-inhabited districts of the interior. Nineteen days of difficult boat navigation conducted the traveller up the river to its parent lake. The settled population of Nicaragua is concentrated, as we have seen, on the narrow plateau between the great expanse of water contained in this lake, and its neighbour Managua, and the Pacific Ocean; in many places scarcely fifteen miles across. Half-a-dozen large towns, Granada, Leon, Masaya, and Chinendaga being the principal, and a number of Indian villages around them, nestled in cactus hedges and chocolate plantations, comprise the State, among whose primitive and friendly inhabitants the Envoy spent two years pleasantly enough. He enjoyed the domestic habits of these children of Hispano-American blood, as thoroughly as all northern visitors appear to do, who have time and opportunity to get over the first difficulties of domestication in foreign society. He fully appreciated the relief which is felt in getting rid of the strain on the nerves and intellect of busy and ambitious life, such as it is in the Union even more, if possible, than among ourselves; and lounging through months in the idle, gossiping, laughing circles of Creole society. He smoked

and flitted away his time between the tertulias of the little cities, country visits to the Dons at their plantations, and the crowning felicities of the ' Paseo al Mar,' or bathing season, when the whole population of the towns migrate for a few weeks to the coast of the Pacific; not to cramped lodging houses, and dingy assembly rooms; but to encamp, gipsy fashion, high and low alike, for miles along the resounding shore, and pass the time in morning bathes, round games, gallops by day, and moonlight dances by night on the yellow sands, with partners of every variety of colour, from the elegant ' Doña I. blessed with ' the smallest and whitest possible feet,' to the laughing ' yellow ' girls' of the bourgeoisie, and simple Indian peasant damsels of the fields.

The ' Paseo ' begins with the moon of March, by which time ' the dry season is considerably advanced, the salt marshes are ' dried up, and the mosquitos defunct.'

' At that time a general movement of carts and servants takes place in the direction of the sea, and the Government despatches an officer and a guard to superintend the pitching of the annual camp upon the beach, or rather upon the forest-covered sand ridge which fringes the shore. Each family builds a temporary cane hut, lightly thatched with palm-leaves, and floored with petates, or mats. The whole is wickered together with vines, or woven together basketwise, and partitioned in the same way, by means of coloured curtains of cotton cloth. This constitutes the penetralia, and is sacred to the ' bello sexo " and the babies. The more luxurious ladies bring down their neatly-curtained beds, and make no mean show of elegance in the interior arrangements of their impromptu dwellings. Outside, and something after the fashion of their permanent residences, is a kind of broad and open shed, which bears a very distant relation to the corridor. Here hammocks are swung, the families dine, the ladies receive visitors, and the men sleep. . . . The establishments here described pertain only to the wealthier visitors, the representatives of the upper classes. There is every intermediate variety, down to those of the " mozo " and his wife, who spread their blankets at the foot of a tree, and weave a little bower of branches above them — an affair of ten or a dozen minutes. And there are yet others who disdain even this exertion, and nestle in the dry sand.' (Vol. ii. p. 138.)

In such simple, lazy, mirth-loving society as this the Envoy is in his glory, and his accounts of the quaint habits and antiquated hospitalities of his entertainers are always amusing, and not the less so because mixed with some rather startling statements and descriptions. His chapter on the Church, and Education, puzzles us not a little. We were prepared for his stories of free thinking among the educated people, an easy

relaxation of morals among the clergy, and the old-fashioned superstitions of the peasantry for public 'Penitencias' in the streets, and Padres who keep loaded guns to warn admirers of their nieces off the premises. But we were unaware of the extent of emancipation from Roman government, and also from Roman discipline, which, according to our author, prevails. Not only have the Government got the nomination to all benefices into their hands, but 'the State of Honduras,' says our author, 'passed a law, which *I believe* was also adopted by 'all the other States, legalising the marriage of the priests, and 'legitimatising their children.' Can this be true?

The Envoy is also at home in his sketches of the scenery and climate of this delightful country, and has a genuine and hearty appreciation of natural beauties. But for readers who have soon had enough of this kind of description, and have no taste for the wearisome political history of the Spanish American Republics, these two large volumes will not possess much attraction. Being no naturalist, and too sensible to affect a knowledge which he does not possess, Mr. Squier has absolutely nothing to tell us on those subjects in which most readers would find the greatest interest, in the account of so new and strange a land. Nor has he anything of the enterprise and love of discovery which distinguished his countryman and predecessor Mr. Stephens. His personal adventures are nearly confined to the neighbourhood of the towns in the single State of Nicaragua; he made only one short excursion to the nearer parts of Honduras and San Salvador; effected no visit to the wilder and less explored Indian regions so near at hand; ascended only one mountain, and gave up a second, 'completely exhausted, 'and adequately convinced of the folly of attempting to climb 'volcanoes under a tropical sun, at midday.' His only hobby was a little quiet antiquarianism, contented with a few rambles after 'piedras antiguas,' the old stone idols and sculptured rocks of the aborigines, on the islands and shores of the lakes. Eight hundred pages of American octavo, equal to some twelve hundred of English, are a heavy vehicle for the communication of a few light sketches of society and the picturesque. The ordinary limits of book-making have been so far exceeded on this occasion, that, we are bound to say it, the travelling experiences of the Envoy might have been compressed into one quarter of their present bulk, and the volume would still have erred on the side of lengthiness. As it is, we can only recommend the reader to perform the task of concentration for himself.

The fresh-water lake of Nicaragua, more than one hundred

miles long and forty broad, occupies a basin in a low plateau between the two oceans: its level (mean, we suppose) is stated by Mr. Squier at 128 feet above the Pacific. Its shores are in general level or gently declivitous, but diversified with numerous mountain groups and insulated peaks. On three sides it has tracts of unexplored forest: on the south-west shore only, the peopled district of which we have spoken. North-west of it, and only divided from it by a narrow isthmus, lies the second lake, that of Leon, or Managua, twenty-eight feet higher than the former, and nearly half its size: apparently once united to it. These magnificent sheets have their storms and 'rollers,' almost like those of the sea, and so-called tides, being, in fact, undulations, occasioned by the varying strength of the trade wind which sweeps across them. It is certainly a singular circumstance that such vast reservoirs of fresh water should subsist, and with little change of level throughout the year (Mr. Squier estimates that of the Lake of Managua at six feet only between the wet and dry seasons), on a low plain, surrounded by heights which nowhere approach the snow level, and in a tropical climate. This equability of supply may perhaps be partly owing to the volcanic character of the soil of the western shores, into which every drop of rain-water sinks during the wet season. There is hardly a running stream, it appears from our author's observation, for one hundred miles of this coast from Nicaragua to Leon; yet the soil produces abundant crops, or is clothed with luxuriant forests. The water collects in subterraneous springs, and in numerous volcanic lakes; some abounding in sulphurous vapours, others pure and limpid. The great sheet of Masaya itself seems almost an Avernus on a huge scale. It is bounded to the S.W. by precipitous cliffs of lava and basalt, and water for the neighbouring settlements is drawn from it by the labour of Indian 'aguadores.'

Of all the natural phenomena of Central America the volcanoes form by far the most striking to the ordinary observer, and in many respects the most curious to the naturalist. It is strange that of the numbers who annually hurry to visit the often-described and far less extensive phenomena of Vesuvius and Etna, hardly any are ever tempted away to the regions in which Nature displays this peculiar class of her exceptional operations on a scale really magnificent, — Iceland, so easily reached from our Northern ports, and Central America, within a few days from Kingston in Jamaica. This isthmian region is the very head-quarters of volcanic agency; and will doubtless receive ere long from Dr. Daubeney the attention which is its due. Its vents are not few and far between, as in Europe, nor situated amidst unapproachable deserts of snow,



as in other parts of the Andes, but the whole Pacific coast 'bristles with volcanic cones,' from the great volcano of Cartago (12,000 feet high, long.  $87^{\circ}$  W., ascended by Mr. Stephens, who says it is the only point in America from which both oceans are visible) to the Fire and Water volcanoes of Guatemala (14,000 feet high, long.  $93^{\circ}$  W.), and other fiery summits still farther west, towards the Mexican frontier. Mr. Squier gives in all a catalogue of about fifty peaks with recognised names; but 'there are many others which are nameless, or 'of which the names are unknown.' The city of Leon seems to be built, like Pompeii in Bulwer's romance, 'above the 'rivers of the sleepless hell;' on a plain undermined by subterraneous fires. Fourteen volcanoes are visible from it at once, stretching in single file in the direction of W.N.W. The quondam Federation of Central America took five volcanoes for the bearing on its coat of arms, its heralds apparently differing in opinion from the old conquistador, Gonzales Hernandez de Oviedo y Valdez, who contradicts the scandalous report spread to his prejudice by the Fray Blas de Castillo, that he, Oviedo, had petitioned the King of Spain for leave to place the volcano of Masaya on his escutcheon, because he had happened to visit it. 'I have,' says he, 'no desire to carry such arms, nor do I 'think any Christian would approve of it: the Fray has lied!'

Many of these volcanoes, extinct or active, present striking scenes of natural grandeur. That of Masaya, just alluded to (likewise ascended by Mr. Stephens), rises bare and black amidst the forests of the isthmus between the two great lakes so often mentioned. It was in great force about the time of the conquest — the Hell of Masaya, it was popularly called — and it was believed that the devil, in the shape of a hideous old woman, used to issue from time to time out of the crater and hold secret conclaves with the caciques of the neighbourhood. It has, however, gone to sleep since 1670, when the lava flowed from it for fifteen or twenty miles, forming the desolate tract, or 'malpais' which now extends at its foot. Ometepe and Ma-deira, two beautiful peaks, rise 5000 feet, on an island of the great lake; the former, in Mr. Squier's belief, 'approaches 'nearer the perfect cone in shape than any other mountain on 'the continent.' The rugged crater of Momobacho overhangs the city of Grenada on one side, the lake on the other: and at its foot is a cluster of 'hundreds of volcanic islands,' the so-called 'Corales,' 'elevated in the form of cones, to the height 'of from twenty to one hundred feet. The sides are steep, and 'composed of immense volcanic rocks, black and blistered by 'fire; but their summits are covered with verdure, and long 'vines hang trailing over the stones, blushing with strange

‘flowers, almost to the edge of the water.’ The loftier sugar-loaf of Momotombo, girdled with forests almost up to its still smoking crater, rises 7000 feet from the shore of Managua. El Viejo, a depressed cone, intervenes between the capital city Leon and the Pacific. It was ascended in 1838 by Sir E. Belcher, who found the inner walls of the crater clothed with luxuriant pine trees, seeming to derive vigour from the steaming vapours. The double-peaked Conchagua and the terrible Coseguina stand like sentinels on each side of the entrance into the great gulf of Fonseca. Mr. Squier ascended the former—the only volcano about which he gave himself this trouble—and ‘thought of Milton, prisoned here, face to face with heaven, ‘listening to the deep utterance of the ocean, and striking the ‘strings of his awful lyre to the majestic measure of the sea!’

Only some ten or twelve of these volcanoes pass for being actually ‘alive’ and smoking; but these occasionally give tremendous exhibitions of their latent power. The eruption of Coseguina, in 1835 (after twenty-six years of repose) was one of the most terrible on historical record. It was of the same kind with that which overwhelmed Pompeii—a thick shower of hot sand and ashes fell for three days, and covered the whole country round. In some places near the mountain the accumulated mass lay ten feet deep. ‘It fell in Jamaica, Vera Cruz\*, ‘and San Fé de Bogota, over an area of 1500 miles in diameter. ‘The noise of the explosions was heard nearly as far, and the ‘superintendent of Belize, 800 miles distant, mustered his ‘troops, under the impression that there was a naval action off ‘the harbour.’ On the third day the explosions attained their maximum, and the darkness became intense. The women of Leon, 100 miles off, ‘with their heads covered with wet linen, ‘to obviate the smothering effect of the falling dust, again hurried to the churches with cries and lamentations, and tried to ‘sing canticles to their favourite saints. As a last resort, every ‘saint in the churches of Leon, without exception, lest he ‘should be offended, was taken from his niche, and placed in ‘the open air!’ The anniversary of this great catastrophe is still† celebrated in that city ‘in the church of our Lady of ‘Mercies.’

---

\* It must have been carried to the two first places, as Sir C. Lyell observes in his ‘Principles of Geology,’ by an upper current of air, contrary to the north-east trade wind which was then blowing.

† Not, we presume, that the priest who celebrated Mass in the year 1850, on this occasion, will accept Mr. Squier’s translation of the Circular by which the foreign residents were invited to attend. The priest notified that having been just ordained, he should ascend the

It is singular that, amidst this great number of extinct or slumbering vents, the volcanic agency seems constantly at work in creating new ones. The last volcano of consequence in Central America, arose in 1770, according to Mr. Squier—1798 according to Mr. Stephens—from the plain of Isalco in San Salvador, and still remains in a state of constant eruption; the explosions, says our author, with suspicious exactness, ‘occurring every sixteen minutes and a quarter.’ But Mr. Squier was himself the eye-witness of the origin of a smaller burning mountain, ‘which, if it has not met a premature extinguishment, bids fair to add another high cone to those which ‘now stud the great plain of Leon.’ All these latter

‘Are surrounded by beds of lava, *mal pais*, extending, in some cases, for leagues in every direction. . . . The lava current in places seems to have spread out in sheets, flowing elsewhere, however, in high and serpentine ridges, resembling Cyclopean walls, often capriciously enclosing spaces of arable ground, in which vegetation is luxuriant: these are called by the natives *corrales*, yards. . . . In large spaces the whole ground seems resting on a boiling cauldron, and is encrusted with mineral deposits. There are also many places where the ground is depressed and bare, resembling a honey-combed ferruginous clay-pit, from which sulphurous vapours are constantly rising, destroying vegetation in the vicinity, but especially to the leeward, where they are carried by the wind. By daylight nothing is to be seen at these places, except a kind of tremulous motion of the heated atmosphere near the surface of the ground. But at night the whole is lighted by a flickering, bluish, and ethereal flame, like that of burning spirits, which spreads at one moment over the whole surface, at the next shoots up into high spires, and then diffuses itself again, in a strange unearthly manner. This is called by the “gente del campo” (the people of the fields), the “baile de los demonios,” the dance of the devils.’ (Vol. ii. p. 104.)

On the 13th April, 1850, an orifice opened in this plain, in a desert spot, near the base of one of the extinct volcanoes. It discharged lava for twenty-four hours, and then stones and ashes for some weeks.

‘A few days before our visit, a deputation from the vaqueros and

---

august altar of the Eternal, á celebrar por la primera vez el tremendo sacrificio, el día 23 del corriente, *anniversario decimo quinto de la eruption del volcan de Coseguina*; which words our Envoy renders into celebrating ‘the tremendous sacrifice of the fifteenth anniversary.’ We are well acquainted with Mr. Christie, the British Consul in Mosquitia. He will be equally surprised to learn that his pronunciation betrayed him to this critical judge of language and of manners to be Scotch; and ‘as free from prejudices as a Briton could be ‘without ceasing to be a Briton and a Scot.’

others living in the vicinity of Las Pilas had visited Leon, for the purpose of soliciting the Bishop to go to this place and *baptize* the prospective volcano. . . . I believe partial assent was obtained, and the city was full of rumours touching this novel ceremony. But its early relapse into quietude dispelled the fears of the people, and the proposed rite was never performed, much to my disappointment, as I intended to stand as godfather, "compadre," to the Volcano de los Nortes Americanos! (sic). This is an old practice, and the ceremony, it is said, was performed early after the conquest. on all the volcanoes of Nicaragua, with the exception of Momotombo, which is yet among the unsanctified. The old friars who started for its summit, to set up the cross there, were never heard of again.' (Vol. ii. p. 109.)

We will only add, in quitting this interesting branch of our subject, that the observations of our writer, himself no philosopher, on these recent volcanoes, seem to confirm the general view taken of similar operations of nature by one of the great geologists of our times. Some of our readers will remember, the close and beautiful train of reasoning by which Sir Charles Lyell shows, in opposition to received views, that the cone of Monte Nuovo, near Naples, was produced by ejection, not by upheaval. The summits ranged along the plain of Leon seem to be similar in their structure, vast ash heaps, piled on a volcanic plateau of which the strata are undisturbed by their elevation, although itself, in all probability, upheaved above the sea level in some earlier period of activity.

Want of space precludes us from doing justice either to Mr. Squier's speculations on the present politics of Nicaragua, or to his antiquarian researches among its Indian remains, and the idol-figures which illustrate his work. He promises, we see, a separate treatise on each subject: which will swell the entire gleanings of his mission to a formidable amount. As to the Indian monuments, they seem to display a similar style, and probably belong to similar religious customs, with those explored by Mr. Stephens in Yucatan, though the monuments hitherto discovered in Nicaragua are of a much ruder character than the latter. We must refer also to Mr. Squier's pages for a full disquisition on a matter of much more general interest in these eager days, the proposed Inter-oceanic Canal. On this subject he expresses himself with tolerable confidence. But the natural difficulties seem great. Our author pronounces the San Juan, the natural outlet of the great Lake of Nicaragua, with which the navigation must commence on the Atlantic side, to be impracticable for vessels of any size. There must, therefore, be a lateral canal or some great improvement of the channel, apparently for eighty miles. Then comes the great Lake of Nicaragua,

very shallow for many miles from the shore at both its extremities. Two short lines have been proposed for carrying a canal direct from the Lake to the Pacific across the narrow intervening neck; but our author pronounces, for solid engineering reasons, against them both. The line must therefore be continued to the upper Lake of Managua; but here an unexpected disappointment presented itself to Mr. Squier, when he came to explore the ground with his own eyes. The two lakes have been hitherto represented as connected by a river. He found, on the contrary, that an arm of Lake Nicaragua, after flowing twelve miles towards Lake Managua, terminated in the dry bed of a former river,—the two lakes being thus separated by a belt of dry ground, four miles in extent.\* And (what is of more consequence) both lakes are very shallow for a long way from the shore of the dividing isthmus. From Lake Managua to the Pacific fewer difficulties present themselves: the best line, in Mr. Squier's opinion, being to the Bay of Fonseca: but here he speaks with less accurate personal knowledge. On the whole, there appears no obstacle which expense and skill might not remove: but the question will be, whether the object is proportionate to the expense. The shipowners of the great Atlantic cities of the Union may perhaps so regard it, in their anxiety to retain in their own hands the trade of the Pacific: but the competition of the Panama railroad will be always at hand; and, on the whole, our own expectation is, that the main communication between the oceans will be effected by that means, and the coasting trade of the Pacific, and more distant commerce with Asia and Polynesia, carried on eventually by the shipping of the Pacific ports.

---

\* We cannot doubt Mr. Squier's account of ground which he carefully surveyed with his own eyes. It proves the uncertainty of much of our present geographical knowledge of these parts. Not only does the 'River Tipitapa, or Penaloya,' connecting the lakes, figure in our latest maps, but Captain Fitzroy, in his 'Memoir on the Isthmus of Central America,' in the very last number of the Geographical Society's Journal, actually describes it in detail;—from hearsay, of course.

ART. X.—1. *Lord George Bentinck: a Political Biography.*

By B. DISRAELI, Member of Parliament for the County of Buckingham. 1 vol. 8vo. pp. 588. 1852.

2. *The Finances and Trade of the United Kingdom at the beginning of the Year 1852.* London: 1852. Pp. 60.

SINCE the publication of our last Number a change of Ministry has taken place. The Liberal Administration of Lord John Russell has been replaced by a Conservative Administration under Lord Derby. England is thus drawn, with the rest of Europe, into the general vortex of reaction. It might, indeed, be thought that as England had put down the Chartist attempts on the celebrated Tenth of April with so slight an effort, and had suppressed the more formidable Irish insurrection without bloodshed, no reaction would have taken place. And, in fact, the difference between our fate and that of the Continental States is not inconsiderable. While Austria, Prussia, Rome, and Naples are expiating the imprudences of their irregular democratic outbreaks by severe military despotism, coercion of speech and writing, political proscriptions and imprisonments, the destiny of England has been less unhappy. While France is prostrate under the ignominious dictatorship of Louis Napoleon, England escapes with the comparatively gentle infliction of Lord Derby.

The fall of the late Ministry was not owing to any important national event, or to any remarkable change in public opinion; it was not preceded by a foreign war, or by a paroxysm of internal discontent; it was not precipitated by a potato famine, or brought about by any novel combination of parties. The Ecclesiastical Titles Bill of last Session had alienated from the Government a section of Irish members, as well as a portion of the Peelite party, who had previously given it a general support. The rupture with Lord Palmerston had detached an able and experienced colleague from Lord John Russell, and had converted him into an active opponent. By the combination of these causes—which were chiefly felt within the walls of Parliament, and did not represent any change in opinion out of doors—the overthrow of the late Ministry was effected, and the Protectionist party found that, after so many unsuccessful attempts, they were at last able to obtain office.

The change of Government was only so far prepared by public opinion, that every Ministry loses a portion of its popularity in the inevitable progress of events. The distribution of the favours of a Government makes some friends,

but more enemies. The defects of the existing Ministers — whatever they may be — and the mistakes which all men of action must occasionally commit, are dwelt on, repeated, and exaggerated; people become tired of the old names, and a desire of trying a new set of men arises. So far as there was any wish for a change of Ministry at the commencement of this year, it was rather of the indistinct and vague character just described, than a positive and lively desire to oust a certain political party, for the purpose of carrying some definite object. Whatever objections might be made to the policy of the late Government, there was nothing in the state of the country, at the commencement of the present year, to indicate that this policy had been erroneous in its principles, or unsuccessful in its results. Under the operation of the Free-trade measures, respecting corn, sugar, and navigation, the revenue of the country had increased, notwithstanding large remissions of taxation; and our foreign trade, both in exports and imports, had received a remarkable augmentation. The interest of money was low, and capital was abundant; yet there was no undue amount of speculation, credit was sound, and the Bank was labouring under a plethora of bullion. We think it unnecessary to repeat, even in a summary form, the statistical accounts of the recent financial and commercial position of the country, as they are set out in the pamphlet named at the head of this Article; they exhibit a state of economical prosperity hitherto unexampled; and as no attempt to dispute their accuracy or completeness has been made by the present Government, since they had access to the official documents, it may be presumed that they show not only the truth, but the whole truth. Nor were our external in a less sound state than our internal affairs. Our relations with every foreign Power were pacific; and wherever feelings unfriendly to us existed, they were owing to circumstances connected with the civil dissensions of the foreign State, not to any act committed by our own Government. Our vast Indian Empire was free from wars, or insurrection; and there was nothing to occupy a British fleet in any of the Eastern Seas. Our colonial dependencies were, on the whole, in a satisfactory state. In the North American provinces, the system of responsible Government had worked with harmony and success, under able governors. The West India islands enjoyed as much material prosperity as the introduction of the system of free negro labour permitted. The Australian colonies had been advancing with as much rapidity as the English settlements in North America had done in the last century — with occasional disputes, inseparable from a system of colonial transportation. Ceylon had recovered its

ordinary tranquillity, after the brief insurrection suppressed by Lord Torrington. In the Cape of Good Hope alone was the state of things unsatisfactory. Here a border-war with savages — similar in its nature to that so long waged by the French in Algeria — disturbed the peace of the colony, and necessitated large draughts upon the British Exchequer, without any prospect of advantage to imperial interests. This border-war, however, did not spring from the policy of Lord Grey, or of the late Government. It had grown out of a change, introduced in 1833, by which the Commando system, or method of volunteer reprisals, was abolished, and a system of treaties, or international compacts with the savages, was substituted. The attempt to deal with the Kaffirs as if they were civilised men, well read in Grotius and Puffendorf, has met with the failure which might be expected; but it is to the originators of this policy that the blame of the fruitless and expensive, though by no means formidable, Kaffir wars is to be imputed, and not to the late Ministry, who merely continued the policy established long before their accession to office. One of the worst evils of such a mistaken policy is, that its abandonment is scarcely less difficult than its original adoption was unwise.

The recent change of Ministry has installed the leaders of the Protectionist party in office. This is the name by which they are best known; though they have sometimes, by a strange misapplication of an old political phrase, assumed the appellation of the 'Country Party,' in the sense of the party connected with *agriculture*.\* Either name, however, points with sufficient accuracy to their origin and distinctive opinions. They were the tail, or, if we may be permitted to use another old political expression, the *rump* of the Conservative party of 1845. When Sir Robert Peel, at the end of that year, decided to propose an immediate suspension and an ultimate repeal of the import duties on corn, in order to meet the emergency created by the failure of the potato crop, all his Cabinet (after some differences of opinion, and a consequent resignation of office) acceded to

---

\* The meaning of the terms *Court* and *Country* party, which have existed since the time of the Civil War, is fully explained by Hume in his 'Essay on the Parties of Great Britain' (Part i. Essay 9.). We need scarcely inform our readers that the 'Country party' is the *national* or *popular* party, and has no connexion with the sense of country as opposed to town, and as connected with agriculture. Thus Hume says that 'the Cavaliers were the Court party, and the Round-heads the Country party;' a sentence which ought to cause the First Commissioner of Works to abjure all further connexion with the 'Country party.'



both these propositions, with the exception of Lord Derby, who agreed to the former, but dissented from the latter. Lord Derby, in consequence, retired from Sir R. Peel's Cabinet, leaving his colleagues and the other subordinate members of the Government to carry the Repeal of the Corn Laws. As soon as this object had been effected, a change of government, as is well known, took place. But, in the mean time, Sir Robert Peel found that the great body of his unofficial supporters seceded from him, refused to adopt his course on the Corn Laws, and placed themselves under the leadership of Lord Derby. Their leader, however, had been called up to the House of Lords; and a demand instantly arose for a general to lead the headless, but compact band in the House of Commons. It was at this crisis that Lord George Bentinck and Mr. Disraeli stood forward as representatives of the vindictive and resentful feelings of that division of the Conservative party who resisted the Repeal of the Corn Laws as a measure detrimental to their interests. Of these feelings, the one from conviction, the other from the possession of a natural talent for sarcasm, rendered themselves fit exponents. The parliamentary war was waged with the tomahawk and scalping knife, in the true Indian style; and every opprobrious epithet which the language of debate would tolerate was directed by them against Sir Robert Peel, amidst the vociferous cheers of the country gentlemen, some of whom believed that the ruin of half the country was involved in his abandonment of Protection; and all of whom thought that by this act the main buttress and prop of their rents was cut away.

The history of this crisis — of the formation and policy of the Protectionist party — has been written by Mr. Disraeli in the volume placed at the head of our Article. Considering that it is, in substance, a panegyric of one of the two leaders of the Protectionist party in the House of Commons, written by the other, strict historical impartiality is not to be expected; nevertheless, we are bound to say, that the narrative of facts appears to us to be, in all material points, accurate, and that where the judgments are not such as we can concur in, the language used is temperate and fair. As a complete history of the crisis, it is chiefly defective in omitting Mr. Disraeli's own share in the invectives against Free Trade and Sir Robert Peel; but this omission was an inevitable consequence of the biographical treatment of the subject. Lord George Bentinck was not a man of much ability; and his political knowledge and experience were, on account of his previous pursuits, very limited. Nor had he any remarkable oratorical talents: his ordinary mode of

speaking was, indeed, from his slow delivery and his emphatic enunciation of the most insignificant words, painfully laborious. But he was nevertheless peculiarly well fitted to head the Protectionist troops at this emergency. He had, in the first place, a sincere and undoubting belief in the doctrine of Protection: he really thought that the country would be ruined by Free Trade. He had rank, wealth, social position, and knowledge of the world; he had unbounded confidence in his own opinions; he was proud, contemptuous, and dictatorial, in the extreme; and he had a dogged, unflinching perseverance, which nothing could divert from its purpose. He likewise seems to have considered a political party as a partnership formed for a common advantage; and hence he glowed with indignation against the treachery of Sir Robert Peel, in sacrificing the interests of his landed followers, and exposing them to the danger of a diminution of rent, for a mere alleged public benefit.

Such being the origin of the Protectionist party, its opinions and policy could not be doubtful. Lord Derby in the one House of Parliament, — Lord George Bentinck and Mr. Disraeli in the other, — and, after the lamented death of the former, Mr. Disraeli alone, — produced and reproduced, in every shape, and on every occasion, the arguments in favour of the Protectionist, and against the Free-trade policy. Corn was, of course, the leading topic, because it directly affected the pecuniary interests of the Protectionist party in Parliament. But Colonial protection was not neglected, and a large part of the Session of 1848 was devoted to a discussion of the sugar duties, consequent on the exertions of Lord George Bentinck to maintain a protective duty upon foreign sugar.\* In a subsequent Session, the repeal of the Navigation Laws was resisted, in both houses, by the combined strength of the Protectionist party; and various motions were made, from time to time, by Mr. Disraeli for the relief of the agricultural interest, on the ground of their losses by the repeal of the Corn Laws. The principal object of the latter motions was to represent the landed interest as the victim of an unfair system of local taxation, and to recommend the transfer of various local burdens to the Consolidated Fund. On all these subjects the Protectionist party were peculiarly zealous and active. They exhibited, however, on all occasions the character of a party opposition; and they availed themselves of all opportunities which presented themselves of weakening the party in office, and of censuring its measures and conduct.

---

\* See chap. xxvi. of Mr. Disraeli's Biography.

The unexpected resignation of Lord John Russell's Cabinet in the beginning of 1850 found Lord Derby unprepared with a Cabinet; and his negotiations with some members of the Peelite party were not so successful as to enable him to take office. Warned by this accident, however, he devoted a portion of the recess to the formation of a prospective Government, which the events of last February enabled him to reduce to reality. Of the various attempts upon the public credulity which have been made by the present Ministers since their accession to office, none is more surprising to any one who has followed their recent conduct, than the assertion that they were not playing the party game of an opposition,—that they were mere disinterested bystanders, and suddenly, without any act of their own, found themselves called on to assist the Crown in a difficulty. These statements are wholly unfounded: it was by their own assiduous exertions that the Protectionist party obtained office. If they are possessed of greatness, they achieved it for themselves; it was not cast upon them. Although Lord Derby may have been in the country on the day of Lord Palmerston's motion, the list of his Cabinet was already in existence, and had been shown to some of his friends before that day—a fact which we know cannot be denied.

It would be invidious to scrutinise the names of the persons forming the new Government. Lord Derby himself, and Mr. Herries were the only English Privy Councillors; the Lord Chancellor had been an Irish Privy Councillor; the other members of the Cabinet were new to office, as they were chiefly unknown to fame. We will only remark that, looking to many of his colleagues, we are unable to understand the surprise which was expressed at the appointment of Sir J. Pakington. The Government, it is to be observed, incorporated none of the Peelite party: it included none of the followers of Sir Robert Peel, who had adhered throughout to his commercial policy: it was composed exclusively of determined opponents to the system of Free Trade.

Such being the composition of the Government, the country naturally looked to them for an explicit declaration of their opinions and policy on the subject of Protection, as soon as they had time to deliberate together, and were able to meet Parliament after their re-elections. This reasonable expectation, however, has been very imperfectly satisfied. Their declarations on the subject have been studiously obscure and ambiguous; nor always consistent with one another. The reluctance to speak out has been so great, as to indicate either that they are not sincere and earnest in their opinions, or that they abstain

from committing themselves to any definite course of policy on this class of questions. The contrast between their former confidence and present hesitation is so striking, as to lead inevitably to this conclusion. The following may, however, be considered as the result of such announcements of intention, as have either been afforded voluntarily, or extracted by interrogation. 1. The Repeal of the Navigation Laws is treated as final: no hope of recovering Protection is held out to the ship-owners, and they are irrevocably consigned to free competition, without any prospect of a return to dear freights. 2. There is to be no interference this Session with the sugar duties, and the fall of the duties on foreign sugar, which the existing Act fixes for the 5th of July next, is to be allowed to take place without resistance.\* Sir John Pakington, however, the Secretary of State for the Colonies, retains his former opinions as to the disastrous effects produced by the Free-trade policy respecting sugar. 3. The shipowners and West Indians may be disregarded with comparative safety; but the owners and occupiers of land are more formidable, and cannot be so lightly disposed of. Accordingly, on the subject of corn, the responses of the Downing Street oracle are peculiarly enigmatical, and might have excited the admiration and envy of the most accomplished priestess of Delphi. Lord Derby declares his *wish*, but not his *intention*, to establish a small fixed duty on corn. He thinks it would be advantageous; but will not propose it, unless it could be carried by a large majority in Parliament, and with the general concurrence of the country: conditions which he must well know that a bread-tax can never fulfil. Practically, therefore, though not in distinct terms, Protection on corn is thrown over; and the agricultural supporters of the Government are exhorted to trust in their friends, who will see justice done them, and will try to alleviate their fiscal burdens.

The present position of Lord Derby's Government is, as he himself declared, that it is in a *minority* in the House of Commons. His Government, therefore, is in office, but not in power; the real power, and therefore the real responsibility for the state

---

\* Under the existing Act, the state of the sugar duties stands thus. The duty on refined sugar, the growth of a British possession, fell to 13s. 4d. per cwt. on the 5th of July, 1851, where it remains. At the same time the duty on foreign refined sugar fell to 17s. per cwt., which is the present duty. The foreign sugar is to undergo three further reductions, when the equalisation will be effected; viz.:—

5th July, 1852	-	-	-	16s. 4d.
„ 1853	-	-	-	15 4
„ 1854	-	-	-	13 4

of public affairs, rests with the Opposition, who, differing on other subjects, are agreed on the question of Free Trade. The Government has been led by Mr. Disraeli on the principles of an Opposition; and he would achieve a great triumph if he could succeed in putting the Opposition in a minority. For the present the Opposition keep the Government in prison, and stand sentinels at the gate. The plan of letting them out on their parole was tried, but was found unsafe. In this state of things we may perceive the true explanation of the boast of the Government, that their accession to office did not lower the funds or produce a general alarm. But what would have been the feelings of the country if men as inexperienced and incapable as the present Ministers, and holding their opinions on Protection, had come, not merely into office, but into power; had been backed by majorities in both Houses; and had proceeded to carry their opinions into practical effect?

The course of the Opposition, since the change of Government, appears to us to have been, on the whole, temperate and dignified, and altogether free from the charge of factiousness, which the organs of the Ministry have been so solicitous to fasten upon it. On the first night after business was resumed, Lord John Russell, Sir James Graham, Mr. Gladstone, and Lord Palmerston, successively declared their opinions that the attempt of the Government to carry on the business of the Session, without the confidence of a majority of the House of Commons, was unconstitutional, and that it was incumbent on them to dissolve Parliament, as soon as the measures necessary for the service of the year could be passed. To the terms prescribed by this imposing concurrence of authorities, the Government have slowly and reluctantly submitted. If they had possessed any self-respect or decent pride, they would have voluntarily sought to extricate themselves from their ignominious position of place without power; they would have been the first to proclaim a wish to shorten their imperial captivity, and to be released from their gilded prison; they would not have sought to prolong an interval, during which they have the name, but not the reality, of a Ministry. Such, however, was not the view of his position taken by the 'chivalrous' Lord Derby. Not only was there great difficulty in extracting from the Ministers the assurance required by the Opposition, but a disingenuous attempt was subsequently made to retract that assurance, which retraction was itself subsequently retracted. As soon, however, as the Opposition were satisfied that the Government had a *bonâ fide* intention of dissolving Parliament at the earliest period consistent with the

public service, they voted the supplies for the army, navy, and ordnance without a division, and with scarcely any discussion; in fact, with a facility hardly justifiable, and certainly quite unprecedented. The only adverse division which has taken place since the present Ministry has been in office, was in order to prevent them from weakening a measure introduced by the late Government for the prevention of bribery at elections. In this division the Government were defeated.

Since their accession to office, therefore, the new Ministers have shown no disposition to declare their principles of action, to announce their system of policy, or to place their Government on an intelligible constitutional footing with respect to Parliament and the country. Not finding it convenient to set forth their views, and to justify them, they have resorted to the usual expedient of misrepresenting their opponents. We have already shown, by a reference to facts, that their charge of factiousness against the Opposition is unfounded. A similar charge, equally unfounded, has been derived from the meeting in Chesham Place. It is asserted, or insinuated, by the organs of the Government, that at this meeting, Lord John Russell entered into some unholy compact with Mr. Cobden and Mr. Bright, for the purpose of restoring him to office, and that, for this purpose, he promised to support a sweeping measure of parliamentary reform. So far is this from being the fact, that, (as we are informed), Mr. Cobden and Mr. Bright (who attended this meeting as they had previously attended the meetings summoned by Lord John Russell in Downing Street) voluntarily proposed, with the view of settling the Free-trade question, on which all the meeting was agreed, not to insist for the present on their peculiar reform opinions; and the only practical result of the meeting was, to adopt the moderate course of a question to be put to the Government by Mr. Villiers, instead of a hostile motion on Free Trade, as had been previously contemplated in some quarters. That Lord John Russell did not enter into any engagement to change his opinions on the subject of Parliamentary Reform is sufficiently proved by the course subsequently taken by him on Mr. Hume's general motion on Reform, and Mr. Berkeley's motion on the Ballot. The whole edifice of accusations and alarms grounded on the meeting at Chesham Place is baseless and imaginary. Some of the Free-trade party may have thought the meeting unnecessary, but assuredly the Government had no reason to complain of it, as it removed a hostile notice from the motion paper.

The present state of public affairs, therefore, is, that all

new legislation is suspended, and that the Government are to wind up their affairs as soon as they can, under the inspection, and by the sufferance of the Opposition, with the view of dissolving Parliament when the necessary provision for the public service has been obtained. The new Parliament will decide on the future policy of the country; and until it is returned, everything is to remain in its existing state.

At such a conjuncture as this, the received doctrine\* used to be, that the head of a Government declared his principles and policy on the leading questions of the day, and, without specifying his measures, signified his intention of acting in accordance with his opinions. If this course were adopted, the appeal to the country would be made upon a definite and intelligible issue. But this is not the course now adopted. A new device has been hit on by the Ministers. They have, it seems, certain abstract speculative opinions, certain preferences and tastes, on political matters; but they have no practical plans or intentions for the conduct of the Government. They are ready to legislate for an Utopia, but not for England. They therefore lay down no plan of policy, by which they abide, whatever may be the result of the elections. They stake the existence of their Government on nothing, and risk nothing for their supporters; but declare that they will accept the verdict of the country, whatever it may be, and govern themselves accordingly.

So far is this doctrine now carried, that a quarterly supporter of the new Government accuses Sir James Graham of misrepresenting Lord Derby, in describing him as favourable to a restoration of Protection. Lord Derby's speeches, it now turns out, though delivered in Parliament, were purely historical, or theoretical. They were speculative lectures on the past history of the country; not the practical advice of a statesman. He condemned the Free-trade policy, and praised Protection; but he never intended to recommend the repeal of one policy, or the revival of the other. We doubt whether this construction of his opinions occurred to the devoted followers, to whom he addressed the appeal of, 'Up Guards, and at 'em,' and whether

---

\* Lord Rockingham, in a correspondence with Lord Chancellor Thurlow, which originated in an overture from the King, and which ended in the formation of his ministry in 1782, lays down the following sound and constitutional doctrine:—

'I must confess that I do not think it an advisable measure, first to attempt to form a ministry by arrangement of office—afterwards to decide upon what principles or measures they are to act.' (*Lord Albemarle's Memoirs of the Marquis of Rockingham*, vol. ii. p. 459.)

they did not expect that the Protectionist Waterloo would be crowned by a good duty on corn.

Our belief is, that the present Ministry, if it acted upon its opinions, would be essentially reactionary and retrograde; and that, in point of enlightenment, it is about on a par with the administration of Mr. Perceval. At the same time, as everything is adjourned until the next Parliament, and as the elections are to decide the policy of the Government, it is difficult to affirm anything of such shifty and flexible politicians. The question of Protection is ostensibly remitted for decision to the hustings; but, in reality, the country has already made up its mind on the subject. The elections may collect and enforce the decision, but the decision is already formed. The Navigation Laws are finally given up: the further reduction of the sugar-duties on the 5th of July next is acquiesced in. On corn alone can a stand be made, and this is the subject on which the opinion of the great body of the people is most inexorable.\* Of this fact, the Government are doubtless fully conscious, and as they have shown so laudable a desire to guard against dangerous accidents, and have exhibited so strong an instinct of self-preservation, we acquit them of all serious intention of attempting a return to protective duties on the great articles of food.

\* As Mr. Disraeli, in his speech to his constituents, quoted Mr. McCulloch as an authority in favour of reimposing a duty on corn, we regret that he did not cite the following remarks of Mr. McCulloch on the subject:—

‘In 1846 the question was open, and we had to consider under what conditions and securities it was to be disposed of. But having been settled, though, as it would seem, without due precaution, to reopen it would be a very difficult and a very hazardous proceeding. Such an attempt would lead to the most violent contentions; the population of the towns would be arrayed against that of the country; the sufferings of the agriculturists would be denied, and they would be stigmatised as endeavouring to extort an unjust boon to themselves, at the cost and to the injury of the other classes. And supposing, of which there is no probability, that a duty of 6s. or 7s. a quarter were laid on foreign corn, could any one say that it would be permanent?—that it would last for three, five, or seven years? The pernicious trade of agitation would be revived. Misrepresentations and falsehoods of all sorts would be more abundant than ever. And the sense of insecurity would be such that neither landlords nor farmers would make any outlay, or enter into any engagements, on the supposition that the new arrangement would be maintained. The country would be convulsed without any advantage accruing to any one; and the duty would be sure to be swept off on the first occurrence of anything approaching to a scarcity.’ (*A Treatise on Taxation and the Funding System*, 2d ed. p. 200.)



If, indeed, they entertained any such intention, how could they send candidates to the boroughs, who declare themselves supporters of Lord Derby's Government, but hostile to the reimposition of a duty on corn? If the intentions, as well as the opinions, of the Government, were really Protectionist, those supporters, when returned, would soon find themselves in active opposition.

The most remarkable result of the Repeal of the Corn Law has been, not the reduction of prices, but the large quantity of the importations. The prices of grain have, in certain year, been lower under the system of Protection than they are at the present time; but the quantity imported under the old Law never came near the present amounts. The quantities of all sorts of grain imported into the United Kingdom in the last three years, compared with the year 1845, are as follows:—

	1845.	1849.	1850.	1851.
Quarters of corn, grain, and meal, }	2,428,145	10,724,830	9,077,553	9,669,712

Now those who talk about rendering the country independent of foreign supplies, and who wish to starve us during peace, in order that we may be well fed during war, must show that the admission of this vast quantity of foreign grain is substituted for home-grown grain, and, therefore, diminishes the native production. Notwithstanding the audacious assertions of the Solicitor-General at Harwich, no such proof can be furnished, and therefore this argument for Protection falls to the ground. The truth is, that Free Trade has done far more than Protection for increasing the produce of our soil. It is unquestionable, that at no period of equal length, has so much been effected for improving the cultivation of the land, and increasing its produce, as during the last five years. The agricultural produce of Great Britain is, beyond all doubt, greater now than at any previous time. So that if foreign supplies of corn were impeded or diminished by a war, our native supplies would have been not diminished, but positively increased, by Free Trade.

Lord Derby has said, that he does not understand why a duty should not be imposed on corn, as well as on other sorts of food. As our tariff is at present constructed, we levy no duty on articles of food in the raw state (with the exception of fruit), which can be produced in the country.\* The great duties on food are those on tropical and Asiatic products, as

\* Fish of foreign taking, when imported from foreign places, in other than fishing vessels, are also subject to a small duty. Wheat, barley, oats, rye, peas, and beans, pay a duty of 1s. per quarter.

sugar, coffee, and tea; to which tobacco may be added. Now, if Lord Derby really sees no difference between a duty on corn and duties on other sorts of food—if his opinion is practical and not merely speculative—we recommend him to try the experiment of an *excise tax on bread*. Nothing would be easier than to arrange the details of an excise inspection of the bakers' trade. We venture to say that Mr. John Wood will, if required, prepare the outline of a plan in less than a week. A mere customs duty on corn is liable to the objection that as corn is not, like sugar or coffee, grown exclusively abroad, a large portion of the produce would escape the tax-gatherer. An excise duty on bread would satisfy every condition, and would render a customs duty superfluous. If Lord Derby should adopt our suggestion, and try the experiment, perhaps he will discover, practically, if not logically, that there is a distinction between a tax on corn and taxes on other sorts of food.

If, however, instead of resorting to an excise tax on bread—which however unpopular, would at least be equitable and productive—he should attempt to impose a small customs duty on grain, what would it yield? The average quantity of wheat annually imported into the United Kingdom in the last three years, is 5,015,668 quarters. If the present duty of 1s. were raised to 5s., the importation would be diminished, and the additional revenue could not be safely estimated at more than 800,000*l.* a year, on an average. Assuming a duty of 5s. on wheat, the duty on barley could not be higher than 2s. 6*d.*, and that on oats than 2s., while Indian corn would not bear a duty higher than 1s.; so that little additional revenue could be obtained from these articles. A duty of 5s. on wheat, with duties on other sorts of grain in proportion, could not be relied on to add to the present receipts in the Exchequer much more than 1,000,000*l.* a year; and by this sum, after it has been purchased by a civil convulsion, it is thought that all the taxes pressing on the farmer are to be repealed.

Such is the compound of insincere promises and impracticable projects with which the Protectionist party have deluded and misled the farmer. Instead of telling him the plain truth, that the Corn Law settlement cannot be disturbed, they have inflated his mind with false hopes, and soured it with vain regrets; they have done all in their power to repress his natural energy, and to prevent him from fitting himself for the enlarged competition; and have kept him, like Rogero in 'The Rovers,' 'sitting beside 'the bottomless pool of despondency, angling for impossibilities.'

The agriculturists were assured by their friends that they were ruined by the foreign competition beyond redemption;

that neither industry, nor skill, nor enterprise, nor capital, could save them; that they were deliberately sacrificed by a factious Parliament to the manufacturing interest; that all their energies ought to be directed, not to draining or manuring, or breeding and feeding, not to adjustments with the landlord, and to improvements in the cultivation of the soil, but to demanding the reversal of Free Trade, in an attitude and with a voice which Parliament would not dare to resist. They were assured that Free Trade was a visionary chimera, the disastrous effects of which would inevitably be developed by experience.

‘Vain wisdom all, and false philosophy.  
Yet, with a pleasing sorcery, could charm  
Pain for a while or anguish, and excite  
Fallacious hope.’

But as soon as the so-called ‘Conservatives,’ who organised this unscrupulous agitation, and promulgated these deceptive opinions, have obtained power, they are seized with a sudden fit of silence; they show no disposition to carry their former counsels into effect, and trust to equivocal language and conduct for perpetuating the delusion which has hitherto been so profitable to themselves, but for which, if we are not greatly mistaken, a day of reckoning will arrive.

The farmers are, indeed, more clear-sighted than their leaders believe. They have not only discovered that a return to Protection is impossible, but they also know that, however slight the change of the law might be, it would be made a ground for an increase of rent where an abatement had taken place, and for a refusal of abatement where none had been made. The truth is, that a small duty would prove a cause of strife between landlord and tenant, without conferring any real and permanent benefit on either. Its influence upon prices could never be brought to any certain test; whatever arrangement in relation to it was made between landlord and tenant, would infallibly be a cause of dissatisfaction to *both* parties.

The entire doctrine of Free Trade is a corollary from the simple proposition that, in every exchange, each party is, or believes himself to be, a gainer; and that no trade will be continued which is not profitable to both the parties engaged in it. The doctrine of Free Trade assumes that a person ought to be allowed to buy his goods of a foreign as well as of a native dealer, without any impediment from the Government. The doctrine of Protection assumes that the Government is justified in restricting the liberty of buying, and in compelling its subjects to buy their goods of natives, when they would, if left to themselves, buy their goods of foreigners. We trust that the

time is not far distant when such dictation on the part of a Government with respect to the persons with whom its subjects are to trade, will be considered as inexpedient and unjust, as a similar dictation with respect to the choice of their religious opinions. Whenever this principle of legislation, or rather of abstinence from legislation, is fully recognised, we shall return to the natural and obvious belief, sanctioned by the experience of all ages and nations, that cheapness and abundance are blessings, and that dearness and scarcity are evils; and consequently that it is the duty of every Government to adopt all means in its power for widening the field of supply, and thus for lowering the prices of all articles, without any exception or limit. This is the nearest approach to the Golden Age which the positive conditions of humanity permit. We cannot expect to see a time when the earth will produce every thing spontaneously, without labour; but we may see a time when every person may be allowed to obtain every thing at the lowest price, without the interference of the Government for the purpose of making it dear. Virgil, in his image of a restored golden age, supposes all foreign trade to cease, but at the same time describes each country as yielding every sort of product:

*Cedet et ipse mari vector, nec nautica pinus  
Mutabit merces; omnis feret omnia tellus.*

We cannot anticipate such a change in the order of Nature; but we may supply the deficiencies of each soil and climate by permitting the freest intercourse with all the rest of the world, and may thus approximate practically to the imaginary perfection conceived by the poet.

If, however, the approaching elections should prove — as we are convinced they will prove — that the country is not prepared to reverse the policy of 1846, and to re-enter upon a system of protection for corn, then the present Government may propose some transfer of taxation, general or local, from the agricultural classes to the rest of the community. Now, if it can be shown that there are taxes or rates which press with undue severity on the agriculturist, and that, on the whole, he bears an unfair weight of taxation, this is undoubtedly a proper subject for consideration; and it is likely to be discussed with greater calmness and advantage, if the claim for protection is previously abandoned or rejected. We have now no space for a full discussion of this question, which, we presume, will turn mainly upon the incidence and operation of the local rates, such as poor-rate, county-rate, highway-rate, &c.; but we will offer upon it two brief remarks. In the first place, it cannot be shown that there is any real

historical connexion between the system of agricultural protection and the system of local rates. Local rates existed long before agricultural protection was thought of, and during the time when England was a corn-exporting country: the Corn Law of 1815 was introduced, not as a measure for the exclusive benefit of the agriculturist, but as a measure advantageous to the whole kingdom, by rendering it independent of foreign supplies.\* In the next place, we would call attention to the effect of centralising our local administration of prisons, poor, roads, &c., now managed by independent local authorities. If the Treasury pays the local expenses, the Home Office must appoint the local officers, and conduct the local management. Instead of magistrates, town councils, boards of guardians, vestries, overseers, &c., there will be a government service, similar to the Excise, Stamps, and Post Office, spread over the whole country, for the performance of all municipal functions. We trust that those who talk so lightly of transferring the local rates to the Consolidated Fund, will maturely consider the effects of the great constitutional change involved in their proposition.

Since the Protectionist cry has been found to fail, and the judgment of the country has been clearly discerned to be unfavourable to a reversal of the Free Trade policy, new grounds for confidence in Lord Derby's ministry have been sought: among the first of which is, that the country wants not protection against *foreign corn*, but protection against *revolution*. We had thought that during the Exhibition of 1851, the existence of a general confidence in the solidity of our institutions, and of a harmony of all classes, had been a subject of universal remark, and had been particularly observed by foreigners. We also thought that when Lord John Russell, in introducing the Reform Bill at the beginning of the Session, stated that he chose this time on account of the absence of all political excitement, the truth of his statement had not been disputed. It seems, however, that a violent democratic and revolutionary mania now exists in this country, and that our only security against it consists in the continuance of Lord Derby's Government, and in his resistance to ulterior measures of parliamentary reform. Whether this security is to be afforded by such propositions as that recently made by his Government on the Militia Bill, and what are to be the classes excluded from the suffrage, if all militiamen are thought worthy of admission, we cannot

\* See the Report of 1813 on the Corn Trade, in Hansard's Parl. Deb. vol. xxv. App. p. 55., and in the Annual Register for 1813; State Papers, p. 371.

undertake to decide. In the mean time, we suspect that the agriculturists will derive but cold comfort from the doctrine of protection *against revolution*; and that, to them, Lord Derby, without protection *against foreign corn*, will be rather like Laplace without his mathematics, or Phillidor without his chess.

Perhaps we may be excused for expressing our belief that the real impulse to democracy will come from Lord Derby himself, and from the policy adopted by his Government. By identifying the landed aristocracy with the odious cause of Protection, and by urging them to reconquer this unjust privilege, he has arrayed them against the great body of their countrymen: he has placed property in the most direct opposition to numbers; and he has given to the popular party the strongest motive and the best justification for resorting to the disfranchisement of small boroughs, for the purpose of weakening the agricultural, and of strengthening the manufacturing and commercial interest. If this has been a truly conservative and prudent policy, Lord Derby is entitled to the praise of giving good advice to his aristocratic followers.

Another attempt to find a substitute for the cry of Protection has been made by representing Lord Derby not only as an anti-reform, but as a Protestant minister. He is to uphold the principles of Protestantism by altering the system of National Education in Ireland, and by repealing the Maynooth Act. The answers of the Government as to their intentions on these subjects have been characterised by their usual indistinctness and ambiguity: but we cannot believe that Lord Derby, often as he has changed his political opinions, will so far lower his character as to be a party to the reversal of a policy which he has personally promoted at such recent periods.

Upon these and other questions affecting the great interests of the country, legislation is suspended, until the national verdict shall have been pronounced at the approaching elections. The Parliament then returned will decide the long-debated question of Protection and Free Trade; and when that decision has been made, the state of political parties will be simplified, so that other questions of social and legal amelioration may be discussed with greater advantage than at present. That this decision will be adverse to the restoration of Protection, and favourable to the maintenance and extension of the Free-trade policy, we have the fullest confidence; and we will only remark, in conclusion, that the argument for the Ballot\*, the desire of which is undoubtedly gaining strength in

---

\* We may take this opportunity of pointing out that the passage  
VOL. XCV. NO. CXCIV. Q Q

the country, will depend, to a considerable extent, on the abstinence of landlords and customers from undue influence over tenants and retail dealers. We look forward with anxiety, but without apprehension, to the result of the general election; relying on the good sense of the country, that it will protect them from the error of the French, who surrendered their liberties, in order to defend themselves against the possible danger of Socialism, and that they will reject the lessons of those interested advocates who study to persuade them that Lord Derby's Government is a safeguard against unreal dangers, and will provide remedies for non-existing evils.

*Note to Art. IX. of the present Number.*

IN speaking, at page 560., of the unsullied *enjoyment* we might derive from the progress of the provinces which our kinsfolk in America have severed and may sever from the old inheritance of Spain, we have overlooked one terrible exception, that is the spread of Slavery. For, unfortunately, the flag of the Stripes and Stars, as it advances south, carries slavery along with it. A very able pamphlet, lately published at Boston, U.S., observes, that 'the process by which a little time ago, Texas was reft from Mexico, and turned over to the United States and slavery, is already set going in the Mexican provinces bordering on Texas to the south-west.' In this sense, the tone of a narrative like that of Mr. Squiers is very ominous of annexation.

of Pliny, lately quoted in Parliament by Mr. Walpole, proves nothing with respect to the use of ballot in a modern election. The election of Roman magistrates was, at the beginning of the reign of Tiberius, transferred from the popular Comitia to the Senate (Tac. Ann. i. 15.). The senate, in making this choice, gave their votes openly: but the system of open voting in the election of magistrates, having led to factious violence and scandalous disorders in the senate, the mode of voting secretly was, in Pliny's time, substituted. Pliny augurs evil from the change, though he admits that its first effects were good. In a subsequent letter he says that some of the senators had made a joke of the voting, and had written impertinencies in the tablets, knowing that they would not be discovered. In commenting on this breach of propriety, he uses the words in question: '*Poposcit tabellæ, stilum accepit, demisit caput, neminem veretur, se contemnit.*' It is clear that this example is not applicable to the case of the modern voter. See Plin. Epist. iii. 20., iv. 25.

The Boston friend of freedom, looking forward to the aggressions of 'the Slave Power' upon Central America, adds, 'Should Nicaragua turn out to be the favourite route to California, and especially should a pretty quarrel be allowed to grow out of the pending negotiations on the subject, it is not so far or so safe, but that by force or by fraud, or both, it might probably be won. And then all of the continent between British America and the Isthmus of Darien, capable of being profitably turned into slave territory, would be inclosed within the territory of the United States.' (*A Chapter of American History. Five Years' Progress of the Slave Power.* Boston: 1852.)



## INDEX.

## A

*Athenium Architecture*, review of Mr. Penrose's work on, 395—principal results of Mr. Penrose's investigations, 395-6—the 'curves,' and minute 'irregularities' of Greek architecture, 397—deviations from the perpendicular, and other curious peculiarities, in the principal Athenian temples, 398-400, *extract*—extracts showing the limited scope of Greek architecture, 400-1—aesthetic or 'transcendental' criticism, 402-3—false ideas concerning Art, 403—use and necessity of artistical criticism, 404-5.

## C

*Church Music*, review of works concerning, 123—necessity of some improvement in, *ib.*—music in the Jewish Temple, 124—choir singing, and congregational, 125—King David's splendid establishments for choral singing in the Temple, 125, *note*—Pope Gregory I., Paulinus, and other patrons of church music, 126—Lutheran hymns, and Calvinistic psalmody, 127—Mr. Bunsen's greater 'German Hymn Book,' 128—extract from his preface to his 'Selection of Hymns,' *ib.*—extract from Warton's 'History of English Poetry,' 129—Warton in error as to Calvin's music, *ib.*—congregational singing, 129-31—its popularity among the early Reformers, 131, and *note*—universal cultivation of the vocal art in the reign of Queen Elizabeth, 132—metrical version of the Psalms, 133—Elizabeth's Injunction, 133-4—succession of Psalm-versions and Psalm-tunes, 135-6—works by John Daye, John Cosyn, and Thomas Ravenscroft, 136-7—decline of English music under the Stuarts, 137-8—the cathedral service, 139-40—the parochial service, 141-2—Dr. Jebb on 'congregational chanting,' 142—means of improving the parochial service, 143-4—concluding remarks, 144-5.

*Cousins (M. Victor)*, his *Cœuvres Completes de Descartes*. See *Descartes*.

## D

*Derby (Lord)*. See *Protection*.

*Descartes, Genius and Writings of*, review of works relating to, 1—Descartes' beneficial influence upon philosophical thinking and

writing, 2—his philosophic temperament, 3-4—extracts from his 'Method,' 5-6—his thirst for philosophic and scientific truth, 7-8—Descartes less a sceptic than a dogmatist, 9-10—his timidity and love of quiet, 11—his plagiarisms, 12-4—his admirably lucid style, 15—brief account of the chief principles of his philosophical system, 16—his 'Cogito, ergo sum,' 16-8—the proof of a God and external world, 19-20—his philosophy in collision with that of Bacon, 20—presumption of his first philosophical work, 21-2—his *à priori* system, 23-4—his physics, 25—M. Bouillier's Eloge of Descartes, 25-6—the Cartesian philosophy, — innate ideas, 26—necessary and contingent truths, 27—Dr. Whewell and Mr. J. S. Mill, 28-30—Mr. Hallam's views as to the origination of mathematical definitions, 31-2, and *note*—Descartes' celebrated doctrine of Innate Ideas, 33-4—Sir W. Hamilton's views on the subject, 34-5—metaphysics compelled to make use of figurative language, 36—the Cartesian proof of the existence of a God, 37-40—the Infinite and the Indefinite, 41-2—the 'Methods' of Bacon and Descartes, 43-4—Playfair's remark on the slight use which Descartes made of experiment, 44-5—induction and deduction, 45-6—conjunct employment of hypothesis and experiment, 47-8—rules for the use of the human understanding, 49, and *note*—coincidences between Descartes's 'Règles pour la direction de l'esprit,' and Bacon's 'Novum Organum,' 50—Cartesian views of brutes, 51-6, and *notes*—immateriality and immortality, 57-59.

## F

*Farini's Stato Romano*, and other works in relation to Rome and Italy, review of, 357—the reforming period of Pius IX., 358-60—the Roman Catholic Powers, and their assumption of the sole right of interfering in the affairs of Rome, 360-1—the diplomatists at the Court of Rome in 1848, 361-2—ecclesiastical power incompatible with the free exercise of civil power, 362-3—the Pope at present no independent Power, 363-4—can the Papal Government accommodate itself to Constitutional forms? 364-5—relation between the civil and spiritual power, 365-6—to constitutionalise the Roman State is an impossibility, 367-8—ecclesiastical interests and those civil and local must clash, 368—ecclesiastical caste and influence, 369-70—moderation of the Roman people prior to and during the late revolution of 1848, 371-2—the Note of May, 1831, from the five great Powers of Europe, 372—Roman rebellions and Roman debt, 373-4—early policy of Pius IX., 374, *extract*—his Allocution in April 29. 1848, 375-6—the Roman Constitution of March, 1848, 376-8—the responsibility of the Court of Gaeta, 379-80—the Popes of the Middle Ages, 381—proposed league among the Roman Catholic Powers for the purpose of coercing the Roman people, 382—Rome in 1809, compared with Rome in 1849, 383-5—Cardinal Paea on the temporal sovereignty of the Pope, 385-6—the question of Papal Independence considered, 386-7—the Papal temporal monarchy cannot stand, 387-8—the difficulty of replacing it, 388-90—not merely an Italian question, but one vitally affecting

Europe generally, 390-3 — works by Farini, Torre, Ricciardi, 394-5.

## I

*International Copyright*, a few words on, 145—reprints of English works in France, Belgium, and America, 145-6, and *note*—lukewarmness of authors on this subject, 147—treaty between France and England, 148—conditions in the case of translations, 149-50—articles of treaty between France and England, 150-1—the retro-active clause, 151—America and Belgium still literary pirates, 152.

*Investments for the Working Classes*, review of Parliamentary Reports, and other works relating to, 405—difficulties attending the endeavours of the philanthropist, 405-6—savings' banks, 406, *note*—amount deposited in savings' banks, friendly societies, &c., in 1830, 1849, and 1850, 407—importance of the poor becoming capitalists, 407-8—effects of loss on investments by the poor, 409—defalcations in savings' banks, 410-2—necessity of legislative interference, 412—friendly societies and their privileges, 413-4—life assurance policies, 415-6, and *note*—injurious effects of the late fiscal restraints, 417-8—deferred annuities, 418-9—Poulett Scrope on the subject, 419-21—benefit building societies, 421-2—Mr. Scratchley's views in favour of, 422-3—impediments to investments in land, 423-4—the true policy of landowners, 424-5—difficulties in acquisition of land, 425-6—cost of transfer of land, 427, and *note*—the Westmoreland and Cumberland 'statesmen,' 428—probable results of a cheap, easy, and safe system of sale of land, *ib.*—freehold land societies, 428-9—Mr. Scratchley's views in favour of, 429, *extract*—objections to these associations, 430-1—Mr. Scratchley on the workings of, 431, *extract*—Mr. Feargus O'Connor's Land Company, 431—wildness of the calculations of the projector, 432—necessary failure of the scheme, 433—land assurance companies, 434-5—working men's associations, 436-41—impediments to their efficient working, arising from the existing Law of Partnership, 441-2—mode of removing these impediments, 443-5—partnership with limited liability, 445-8—objections against, 448-9—partnership *en commandite*, 449-52—expediency of legislative enactments to facilitate the working classes entering into the above arrangements, 452-3.

## J

*John Knox's Liturgy*, review of Dr. Cumming's edition of, and other works, 453-4—diverse views on the expediency of a ritual form of worship, 455-6—extemporaneous prayer, 457-8—forms or no forms in the service of the sanctuary, 458-9—Pliny's testimony to the existence of a form of worship among the Christians immediately subsequent to the Apostolic age, 460—non-existence at any period of the Christian Church of a 'Catholic' Apostolic Liturgy, 461—the Liturgy of the Apostolical Constitutions, 462—reasons to conclude that the service of the early Christians was celebrated *memo-*

*riter* by the priests, 462-3—according to Mr. Palmer, the liturgies of the Primitive Churches may be reduced to four, 463—a certain identity to be traced in all the earlier liturgies, 464—the formal prayers in use up to the Reformation, adopted by the Reformed Churches, 465—the Presbyterian Church of Scotland the only National Church in Christendom in which formal prayers do not prevail, *ib.*—Luther's 'Order of the Service in the Congregation,' *ib.*—his directions for the services of the week-days and Sabbath, 466—his views on the subject of Formal Prayer, 467-8—the Reformed Churches of Northern Europe drew up liturgies for themselves, 468—Calvin's views of Formal Prayer, 468-9—the Communion Service, 469—Knox averse to kneeling at, 470, *note*—the forms of Baptism and Marriage, 470-1—the Genevan Liturgy, 471—Knox never approved of the English Liturgy, 473—different views taken by the churches at Frankfort and Zurich, *ib.*—the 'Order of Geneva,' or 'Knox's Liturgy,' 475-6, and *note*—Dr. Cumming's protest against extemporaneous prayer, 476—the Duke of Argyll on the growth of Episcopacy in Scotland, 476-7—the expediency of adopting a liturgy in the Church of Scotland, 478-9—a combination of formal and extemporaneous prayer probably acceptable to the great bulk of the Scotch clergy, 480-1.

## L

*Legislation, recent Progress of*, review of Statutes and Parliamentary Debates in connexion with, 94—historical popularity of Parliaments, 95-6—Parliamentary Reform, 97-8—Municipal Reform, 99-100—civil and religious liberty, 101-4—legislation for the Church, 104-7—national education in Great Britain, 107-8—national education in Ireland, 109-10—social evils corrected, 110-3—the Poor Laws, 111-2—sanitary measures, 113—commercial legislation, 113-6—law reforms: County Courts, 116-7—reform in Court of Chancery, 118—consolidation, structure, and language of statutes, 119-20—recognition of sound principles, 121-2.

## M

*Mallet du Pan*, review of *Memoirs and Correspondence of*, 481—part played by Geneva in the affairs of Europe between 1760 and 1782, 481-2—Mallet du Pan a journalist both by necessity and choice, 482—his side of politics the unpopular one, *ib.*—his views eminently Conservative, 483—importance of his views to France at the present day, 484—his early career, *ib.*—his connexion with Linguet, 484-5—his steady and unbending temperament, 485—occupation of Geneva by the Sardinian troops, 486—Mallet du Pan leaves Geneva, and conducts the 'Mercure de France' for Panckoucke, the Paris bookseller, *ib.*—his determination not to be dictated to, 487, *extract*—offers the pages of his journal to the friends of Warren Hastings, *ib.*—becomes identified with the 'Constitutionalists' or 'Monarchiens,' 488—their political views, *ib.*—Mallet du Pan always in favour of 'mixed government,' 489—perils incurred by him in his editorship of the 'Mercure,' 489-90, and *ex-*

*tract*—Chateaubriand on situations of prolonged political danger, 491—extract from the 'Mercure,' on Mallet du Pan's taking leave of his literary labours and connexions, 492-3—his connexion with the Court party, 493-4—his 'Mémoire' presented to the sovereigns, 494-5—extract from the 'Manifesto,' 495—another from the 'Mémoire,' *ib.*—he continues to write against the Revolution at Geneva, Berne, Freiburg, and London, 496—his disinterestedness, *ib.*—extract from an address to Lord Elgin and M. de Mercy, 497—his hopes for a re-establishment of Royalty frustrated by the success of Buonaparte, 498—remarks on the elevation of Napoleon to the Consulate, *extract*, 498-9—his preference of the Consular Government over the anarchy which immediately preceded it, 499—finds a last refuge in England, *ib.*—carries on there with success his 'Mercure Britannique,' *ib.*—dies at Richmond, 500—his funeral eulogy by Lally Tolendal, *ib.*—remarks on the little political or social improvement that has resulted to France from the influence of the press or literature, 500-7—influence of the drama on the public mind, 507—Buonapartism, 507-10—Guizot on Napoleon's Repression of Democracy, 511—the Party of Order, 511-4—character and prospects of the present Government of France, 515-7.

## N

*National Education*, review of works in favour of, 321—the controversy between the Lancaster National School and the promoters of the Salford and Manchester Scheme, 321-2—difference of systems for England and Ireland, 323-4—Mr. A. Baring and the Rev. G. R. Gleig, 324—Royal Military Asylum at Chelsea, 324-6—condition in which Messrs. Baring and Gleig found the pupils, 326-7—remodelling of the Asylum, 327—good effects of educating the army, 328—extract giving Mr. Fox Maule's evidence before the late Committee on Military Expenditure, 328-9—evidence of the Secretary of War on the subject, 329-30—nature of the military schools, 331-2—school-books and attendance, 333—Gleig's series of school-books, *ib.*—why not adopt a system which works well in the army, to meet the wants of the nation? 334—what is cultivating the religious principle? 335—union of the State with religion, and not with the Church, 336-8—arguments of Mr. Denison and others of his school, 338-9—popular education neglected in England at the Reformation, 339-40—Joseph Lancaster, Dr. Bell, and the National Society, 341—Mr. Dawe's school at King's Somborne, Hampshire, 342-3—a national school at Great Braxted, in Essex, 343-4—education on the voluntary principle at its last gasp, 345—the Training Institutions of the Church approaching a state of collapse, *ib.*—Battersca, St. Mark's, and Westminster, *ib.*—insufficiency of voluntary support, 346-7—plans of National Association; Manchester and Salford, 348-52, *extract*—school at Ash, in Kent, 353—details of proposed plan, 353-7.

*Nicaragua*: its People, Scenery, Monuments, and the proposed Inter-oceanic Canal. By E. G. Squier, review of, 553—British and

Spanish colonisation in America, 553-4—Nicaragua and Costa Rica, 555-6—Mr. Squier's Anglo-American views, 556-7—is Central America destined to be annexed to the United States? 558-60—Mr. Squier's residence at San Juan de Nicaragua, 560-1—the 'Paseo,' 561, *extract*—the book wants concentration, 562—the lakes of Managua and Masaya, 563—the volcanoes of Central America, 563-7, and *extracts*—the Inter-oceanic Canal, 567-8.  
*Note to Art. LX. of No. CXCIV., 586-7.*  
*Nouvelles Causes Célèbres.* See *Tronson du Coudray.*

## O

*Ordnance Survey of Scotland*, review of works relating to, 179—existing maps of Scotland very defective, 179-80—Roy's Survey of Scotland, 181—Arrowsmith's Map of the Highlands, 182—state of Scotland at the time of Roy's survey and now, 182-3—errors and omissions in existing maps, 183-5—progress of the survey, 185-6—indignation at its suspension, 187—sums voted and expended on the survey of Scotland since 1819, 188—history of English survey, 189—history of Irish survey, 190—appointment of Select Committee, 191—exertions of the British Association and of the Royal Society, 191-2—six-inch scale, why adopted, 193-4—uses of six-inch and one-inch maps, 195-6—nature of six-inch maps, 197-8—size and price of the one-inch scale and the six-inch scale maps, 199-200—general superiority of one-inch maps, 201—this confirmed by Lord Monteagle's evidence, *ib.*—maps with contour lines, 202—history of contour lines, 203-4—value of contour lines, 204-5—Sir R. Murchison and Mr. Keith Johnston in favour of maps on the six-inch scale in some instances, *ib.*—recommendation that the survey be proceeded with regularly from north to south, 207—other recommendations by the Committee, 207-8—map must be speedily completed, 209—confirmed by Lord Monteagle and the officers of survey, 209-10—good maps possessed by France, Bavaria, and Saxony, 210—map illustration of history, 211-2—determination and right of Scotland to have the map, 213.

## P

*Palgrave's History of Normandy and England*, review of, 163—the history of the Normans an essential part of the knowledge of English history, *ib.*—the Carlovingians and Merovingians, 154—the Teutons and the Franks, 155—the Mayors of the Palace, *ib.*—Charlemagne, the man of his time, 156—the Missi and Missi Dominici, 156-7—Mademoiselle Lezardière's View of the Frankish Court, 157—failure of the Carlovingian Empire, 158—the Norman tribunal, 159—Roman and Teutonic practices and principles, 160-1—Roman influence on the Gallo-Franks, 161, and *note*—comprehensive nature of the work, 162—Sir F. Palgrave's mode of treating his subject, 162-3—the mediæval chroniclers, 163-5, *extracts*—peculiarity in the mode adopted by the author, 165—his reasons for dictating his work in preference to writing it, *ib.*, *extract*—influence of Roman literature, habits, and laws, 165-6—

Louis-le-Débonnaire, 166-7—the battle of Fontenay, and treaty of Verdun, 168-9, *extracts*—final separation of Germany and France, 169—Normandy, and the Northmen, 170-1—Rollo, 171—the French provinces, 172, *extract*—scope of Sir F. Palgrave's work, 173—Anglo-Norman jurisprudence, 173-4—Carlovingian legislation; the Capitulars, 174—the Palatial Court, 175—the Feudal Law, the Canon Law, and the Imperial Code, *ib.*—Frankish administration of justice, 176—the Missi, 177—junction of Norman and Saxon tribunals gradually effected, 178—historical errors in Blackstone's Commentaries, 179.

*Philpotts, Bishop*, review of works by or relating to, 59—his excommunication of the Archbishop of Canterbury, *ib.*—his charge to his clergy, 60—the oath of obedience taken by a bishop to his archbishop, *ib.*—his 'Letter to the Archbishop,' 61—Mr. Gorham's case, 61-2, and *note*—Lord John Russell's remarks in the House of Commons in regard to the language used by Bishop Philpotts relative to the Archbishop of Canterbury, 63—expediency of obtaining the decision of a court of law thereupon, 64—his synod at Exeter, 65—his 'Pastoral,' *ib.*—protest in the name of the chapter against the synod, 66, and *note*—mischievous results of his policy, 67-71, and *notes*—Bishop Philpotts' early history, 72, and *note*—how he obtained his bishopric, 73, and *note*—his love of power, his love of family, and his love of notoriety, 74—his rubrical martinetism, 75-6—his love of lapses, 76-82—his nepotism, 82-4—his love of notoriety, 85-6—his vituperation of opponents, 87-90—his non-natural use of words, 90-4.

*Protection, and Lord Derby's Ministry*, review of works relating to, 569—cause of the fall of the late Ministry, *ib.*—prosperous state of the country, both at home and abroad, 570-1—meaning of the terms *Court and Country* party, 571, *note*—Sir Robert Peel, Lord George Bentinck, Mr. Disraeli, and Lord Derby, 571-3—Lord Derby's efforts to form a Government, though unsuccessful in 1850, successful in 1852, 574—unfounded statements of the present Ministers, *ib.*—most of them new to office and unknown to fame, *ib.*—their views on Protection and the Navigation Laws, 575—the present Ministry in a minority in the House of Commons, *ib.*—course pursued by the Opposition, 576-7—unwillingness of the present Ministers to announce their system of policy, 577-8—Protection a retrograde and reactionary policy, 579—McCulloch on reimposing a duty on corn, *ib.*, *note*—Free-trade more favourable to agriculture than Protection, 580—a low fixed duty on foreign wheat of little avail to increase the revenue, 581—and certain to prove a cause of strife between landlord and tenant, 582—proposed transference of local rates from the agricultural classes to the rest of the community, 583-4—the cry of Protection against revolution, 584—Lord Derby a Protestant Minister, 585—legislation at a stand still, *ib.*—the Ballot, 586, and *note*.

## R

*Reform Bill*, the expected, review of works relating to, 213—the

Reform Act of 1832, 213-4—changes wrought by it, 215-8—representation in the House of Commons tending towards delegation, 219-22—ties of party connexion modified, 222-5—new relation of Ministers to Parliament, 225-8—rationale of ministerial resignation, 228-31—English Statesmen seldom imitators, 231—difficulty of discerning what the nation really requires, 232-4—advantage of a quiet time, 235-6—public feeling in 1830 and 1852, 237-8—difference of circumstances in 1832 and 1852, 239-41—opinion of the leaders of the Reform Association, 242—inexpediency of complete suffrage, 243—real impressibility of the existing Parliament, 243-4—the Anti-Corn Law League of 1846, 244—Charter agitation an obstacle to practical reforms, 245-8—true theory of our representative system, 248-50—alleged anomalies in the representation, 250-4—inconsistency of Chartist reasoning, 254-6—origin of the right of majorities, 256-60—representation coextensive with taxation, 260-3—criteria of fitness for the franchise, 264-6—reduction in the franchise qualification, 266-7—the project of equal electoral districts, 268-9—exclusive representation of majorities, 269-72—proposed new electoral districts, 272-4—fitful exercise of the franchise, 275-8—small proportion of electors who vote, 279-80.

*Roebuck's History of the Whig Party of 1830*, review of, 517—History rather than Poetry the branch of literature which has of late most advanced, 518-9—Mr. Roebuck's qualifications for his undertaking, 519-20—his views of all men, and all parties, indiscriminately severe and illiberal, 520-1—his character of William IV., 521—causes which influenced the King to countenance the Reform Bill, 522-3—if not a distinguished or consistent man, William IV. allowed to be frank, honest, and faithful to early friendships, 523—anecdote illustrative of his character, 524—Mr. Roebuck's aspersions on the character of the late Sir Robert Peel, *ib.*—his illiberal treatment of Burke, Sheridan, Tierney, and Romilly, 525—of Lord John Russell, Lord Althorp, Lord Lansdowne, and others, *ib.*—his character of Lord Grey, 526—extract from Harriet Martineau's 'History of Thirty Years' Peace,' *ib.*—Mr. Roebuck's character of Lord Brougham, 526-7—the Whigs vindicated, 527-9—Mr. Roebuck's description of them as a party, 529-30—Mr. Canning, 530-1—the Catholic question, 531-3—Lord Grey's government, 533-4—restoration of Sir R. Peel to power, 535—overthrown and supplanted by Lord John Russell, 535—who in his turn surrenders the government of the country to the Earl of Derby, 535-6—Parliamentary weakness not confined to any one Prime Minister, or to any one party in the State, 536—cause to which are to be attributed many of the evils made matters of personal reproach by Mr. Roebuck, *ib.*—extract giving Mr. Roebuck's version of the memorable dissolution in May, 1831, 537-9—Miss Martineau's narrative of the same transaction, 539-40—strictures on Mr. Roebuck's misrepresentations, 540-2—his account of the creation of peers, 542-3—the Whigs resign but are again reinstated, 544-5—further remarks on the creation of peers, 546-7, and *note*—unjust charges advanced by Mr. Roebuck, 547-9—his lucubrations



on the subject of Whig finance, 550—beneficial effects of Whig administration, 551-2—concluding remarks, 552-3.

## T

*Tronson du Coudray*, review of work containing an account of, 281—*Tronson du Coudray's* early life, 281-2—system of criminal procedure then prevailing in France, 282-3—he is engaged in the remarkable case of the false Count Solar, 283-9—the Marchioness Soyecourt, 290-1—the Thibaults and Frondière, 291-7—the Sieur Reveillon, 297-300—*Tronson du Coudray* offers to defend Louis XVI., 300—his defence of Marie Antoinette, *ib.*—the French Constitution of 1795, 301—difference in the French and English Constitutions, 302—French parties in 1795, 303-4—French parties in 1796, 305-6—French parties in 1797, 307—contest between the Directory and the Legislature, 309—the Directory resolved to crush their opponents by force, 310—addresses from the army, 310-1—*Tronson du Coudray's* denunciation of the proceedings of the Directory, 311-2—tardy consultations of the Legislature, 313—*Tronson du Coudray* and his party seized by the troops under Augeran, 314—the deportations to Cayenne, 315—French Guiana, 315-6—death of *Tronson du Coudray* at Sinnamary, 316—Louis Napoleon and the Directory, 317—Louis Napoleon a bad imitator of all that is bad in his originals, *ib.*—fate of Hippolyte Magen, 318—the present authority of the prefets, 319-20—character of the French, 320—probable downfall of Louis Napoleon's usurpation, 320-1.

END OF VOL. XCV.

LONDON:  
 SPOTTISWOODS and SHAW,  
 New-street-Square.









